

## **EXHIBIT 13**

**KITCHEN WINNERS NY INC., ET AL. vs ROCK FINTEK LLC**  
**Joel Stern on 10/13/2023**

1

2 UNITED STATES DISTRICT COURT

3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----X

5 KITCHEN WINNERS NY INC.,

6 Plaintiff,

7 -against-

Index No.:  
22-cv-05276

8 ROCK FINTEK LLC,

9 Defendant,

10 -----X

11 ROCK FINTEK LLC,

12 Couterclaim and Third-  
13 PartyPlaintiff,

14 -against-

15 KITCHEN WINNERS NY INC.,

16 Counterclaim Defendant,

17 and

18 ADORAMA INC., HERSHEY WEINER, JOSEPH  
19 MENDLOWITZ, JNS CAPITAL HOLDINGS LLC  
and JOEL STERN,

20 Third-Party Defendants.

21 -----X

22 Remote EBT

23

24 October 13, 2023  
25 10:00 A.M.

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EXAMINATION BEFORE TRIAL of JOEL STERN, a  
Third-Party Defendant herein, taken by the attorneys  
for the respective parties, pursuant to Notice, held  
remotely, before Melissa Leonetti, RPR, a Notary  
Public of the State of New York.

- - - -

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A P P E A R A N C E S :

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ALSO PRESENT:

23

BRADLEY GILLING

24

HERSHEY WEINER

25

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, through their respective Counsel, that the certification, sealing and filing of the within examination will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, will be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed before any Notary Public with the same force and effect as though signed and sworn to before this Court.

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2 J O E L S T E R N, after having first been duly  
3 affirmed by a Notary Public of the State of New  
4 York, was examined and testified as follows:

5 EXAMINATION BY

6 PHILLIP RAKHUNOV, ESQ.:

7 Q What is your name?

8 A Joel Stern.

9 Q What is your address?

10 A. 155 Skillman Street, Brooklyn, New York  
11 11205.

12 Q. Good morning, Mr. Stern. My name is  
13 Phillip Rakhunov. I represent Rock Fintek. I think  
14 we briefly met before.

15 Is Joel Stern your full legal name?

16 A. Yes.

17 Q. There's no middle name?

18 A. No.

19 Q. And where are you physically located  
20 right now?

21 A. I believe it's -- It's not where I live.  
22 Where I am physically right now is 667 Myrtle Avenue  
23 in Brooklyn, New York 11205. It's in an office.

24 Q. Is anyone in the room with you?

25 A. No.



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2           Q.     Do you have any notes or any written  
3 memory aids or materials in front of you today?

4           A.     No.

5           Q.     Okay.

6                     Mr. Stern, have you ever had your  
7 deposition taken before, either by Zoom or in  
8 person?

9           A.     No.

10          Q.     Okay.

11                    So I will just echo some of what the  
12 court reporter said. I will ask you questions.  
13 Your job is to answer them truthfully to the best  
14 of your abilities. Please don't speak over me and  
15 I will do my best not to speak over you.

16                    If you need a break at any moment, just  
17 let us know. I ask that you not take a break  
18 while a question is pending.

19                    Is there any reason, like any  
20 medications any other reason whatsoever, while you  
21 would be unable to testify truthfully and  
22 competently this morning?

23          A.     No.

24          Q.     You understand you're under oath,  
25 correct?

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2 A. Yes.

3 Q. Your testimony today, even though we're  
4 in a deposition, is the same oath you would take if  
5 you were sitting in a court of law?

6 A. Yes.

7 Q. Have you been involved in any litigation  
8 as a party before this lawsuit?

9 A. No.

10 Q. This is the first time you have been  
11 involved as a party?

12 A. Yes.

13 Q. Have you ever testified as a witness in  
14 any lawsuit?

15 A. No.

16 Q. Did you do anything to prepare for  
17 today's deposition?

18 A. I have conversations with my attorney.

19 Q. And I don't want to know any you and your  
20 attorney discussed, so I won't go into that.

21 Anything other than conversations with  
22 your attorney?

23 A. No.

24 Q. How many times did you speak with your  
25 attorney in preparation for today's deposition?

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2           A.       I don't recall exactly, but a few times.

3       Let's say up to ten. I don't know.

4           Q.       Did you speak with anyone other than your  
5       attorney to discuss your testimony today?

6           A.       No.

7           Q.       Did you speak with Hershey Weiner?

8           A.       No.

9           Q.       Joseph Mendlowits?

10          A.       No.

11          Q.       Okay.

12                   Did you review any documents to prepare  
13       for today?

14          A.       Just some.

15          Q.       Did those documents refresh your  
16       recollection about the events at issue in this  
17       lawsuit?

18          A.       Yes.

19          Q.       What documents did you review?

20          A.       Some shipping documents, invoices,  
21       emails. I didn't have a chance to view all of them,  
22       but I tried as much as I could.

23          Q.       When you say shipping documents, can you  
24       be a little more specific.

25          A.       Actually I don't have much shipping

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2 documents. It's just a few that I got by email at  
3 one point. I don't remember what it was at the  
4 time. Maybe two invoices that was sent to the  
5 customer for payment and for advising what is being  
6 shipped.

7 Q. And when you say customer, you're  
8 referring to Rock Fintek or some other customer?

9 A. Rock Fintek.

10 Q. Did you review any invoices that were  
11 sent to you for gloves?

12 A. No.

13 Q. All right. We certainly will today.  
14 Can you briefly state your educational  
15 background.

16 A. Obviously as you see I'm -- I'm Jewish  
17 background. I learned in our schools, high schools,  
18 and medical college, but no official -- how they  
19 call it -- I don't remember the word I wanted to  
20 use, but not any official -- not any official  
21 college or whatever. I don't know what to say.

22 Q. When you say you went to medical college,  
23 where --

24 A. Not medical, Talmudical.

25 Q. Where did you go to Talmudical College?

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2 A. UTA.

3 Q. Where is that? Is that in New York or --

4 (Technical interruption.)

5 Q. You were describing your educational  
6 background.

7 THE COURT STENOGRAPHER: Mr. Gilling,  
8 please mute yourself.

9 Q. Mr. Stern, just a slight diversion. I  
10 did notice when you just turned your camera, there's  
11 a video camera in the top corner of your office.

12 Are we being recorded right now?

13 A. No. It's a surveillance camera. No  
14 video. No. audio.

15 Q. So we were talking about your educational  
16 background and you described Talmudical College.

17 When did you complete those studies?

18 A. As far as I remember, around 2000 or  
19 maybe 1999. I don't remember exactly.

20 Q. Okay.

21 Did you pursue any secondary education  
22 after that?

23 A. Yes. I took a bookkeeping/accounting  
24 course. It was like a private class. This is what  
25 got me a job later on.

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2           Q.     Okay.

3                   Do you hold any professional  
4   designations?

5           A.     No.

6           Q.     Are you a CPA?

7           A.     No.

8           Q.     How are you currently employed?

9           A.     Repeat, please.

10          Q.     Where did you work?

11          A.     I work for a company doing their  
12   accounting -- part of their accounting team.

13          Q.     What company do you work for?

14          A.     Is that relevant to this case?

15          Q.     You have to answer. I mean, if your  
16   attorney instructs you not to answer --

17                   MR. FRISCH: You can answer that.

18          A.     That's a Long Beach Assisted Living. I'm  
19   not in the facility. I'm just in a private office  
20   with a few people and they manage their accounting  
21   and the billing, accounts payable, and I'm part of  
22   the team.

23          Q.     How long have you worked with Long Beach  
24   Assisted Living?

25          A.     Around six months.

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2           **Q.       Where did you work before then?**

3           A.       I was -- I worked for myself, but I was  
4       brokering some deals, government deals, looking for  
5       investors to cover them. And it was going on for a  
6       while, like the last two or three years.

7           **Q.       When you say brokering deals and**  
8       **government deals, can you give me more detail. What**  
9       **kind of deals?**

10          A.       I partnered with a guy who got government  
11       deals. Nothing in my name and nothing that I was  
12       involved with. I just was trying to match investors  
13       to cover this POs and get his fund.

14          **Q.       What kind of products?**

15          A.       Janitorial supplies. Mainly janitorial  
16       supplies and office supplies. It was sometimes  
17       including gloves as well, but nothing with my  
18       gloves. So whatever is in the janitorial line.

19          **Q.       When you say "sometimes including**  
20       **gloves," are you talking about gloves that are**  
21       **sometimes referred to as personal protective**  
22       **equipment?**

23          A.       Yes.

24          **Q.       Okay.**

25                   **What type of gloves were you involved**

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2 in procuring with your last venture when you were  
3 brokering --

4 A. To be honest, I have no idea. I was  
5 never involved. Not in the purchase. Not in the  
6 sale. Just in the funding.

7 Q. Who was your partner?

8 A. I don't even know the customer. I don't  
9 even know the supplier.

10 Q. Who was in charge of obtaining the  
11 supplies and knowing the customer? Your partner?

12 A. Yes.

13 Q. Who was your partner?

14 A. Bernie Freilich.

15 Q. Can you spell his last name.

16 A. F-R-E-I-L-I-C-H.

17 Q. Was Mr. Freilich involved in any way with  
18 the business that you did with Rock Fintek?

19 A. No.

20 Q. When did you first begin working with  
21 Mr. Freilich.

22 A. Sometime in 2019. Before COVID? I don't  
23 remember if it was March or April or May but  
24 sometime around that time.

25 Q. Does Mr. Freilich use any entity



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2 corporation, or a limited liability company for the  
3 business that he did with you?

4 A. Yes.

5 Q. What's the name of that company?

6 A. Blink Supplies.

7 Q. Is that the name of an entity?

8 A. Yes.

9 Q. Is it a limited liability company --

10 A. No. I'm not sure if it's an Inc. or a  
11 Corp. But it's some type of corporation.

12 Q. Are you a shareholder in Blink Supplies?

13 A. No, not at all.

14 Q. How is your partnership with Mr. Freilich  
15 memorialized?

16 A. It was more like on a deal-to-deal basis.  
17 Not an official partner in any way. Not in the  
18 business. Not sharing customers or suppliers.

19 Just a matter of he was looking for  
20 funding and I was trying to connect people to him.  
21 That's all.

22 Q. Where do you obtain the funding for your  
23 work with Blink Supplies?

24 A. Friends, relatives, neighbors. Just  
25 people that I know.

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2           Q.     Were any of the people that were involved  
3     in funding Blink Supplies business the same  
4     investors that were involved in funding purchases of  
5     gloves that you sold to Rock Fintek?

6           A.     No, at least as far as I remember.

7           Q.     Mr. Stern, you have been working -- are  
8     you still working with Mr. Freilich on any private  
9     deals?

10          A.     No.

11          Q.     Why not?

12          A.     Business stopped. I don't know. Not  
13     getting the deals. Game over.

14          Q.     So you said you were working with  
15     Mr. Freilich for about three years before you  
16     started working at your current job; is that  
17     correct?

18          A.     Correct.

19          Q.     Is there anything else that you were  
20     doing during the time frame between 2019 and through  
21     six months ago when you started working at the  
22     assisted living facility?

23          A.     Of course. In the same time, I was  
24     dealing with these gloves, sir.

25          Q.     Right.

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2 Anything else? Well, we'll talk about  
3 the gloves in detail, obviously.

4 Anything other than working on the  
5 gloves deals and working with Mr. Freilich? Any  
6 other business that you were involved in?

7 A. Not an official business. I had a  
8 similar job before I started with Mr. Freilich that  
9 I still kept until sometime in 2020. I don't  
10 remember.

11 Q. Where was that?

12 A. That is a company named AGM Decor, if I  
13 remember, and they were doing facade. Do you know  
14 what facade is? I don't know if I pronounce it  
15 correctly, but they are providing glass for glass  
16 buildings.

17 Q. Why did you leave that job?

18 A. I got too busy with the other stuff I was  
19 doing.

20 Q. When you were working on your deals with  
21 Mr. Freilich, were you using any entity to do that  
22 business or were you just operating in your own  
23 name?

24 A. Not my name, no. I never used my name  
25 for my business. It's mainly his name. He was the

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2 business owner.

3 Q. Okay.

4 I understand. But you said you were  
5 involved in -- you were getting paid somehow from  
6 the deals, correct?

7 A. Oh, yes. I opened an entity for myself.  
8 But in talking about operating a business. I opened  
9 named similar to him, Blink Capital Holding. This  
10 was to manage my money, whatever was going through  
11 my account.

12 Q. And Blink Capital Holding, what kind of  
13 an entity is it? Limited liability company? A  
14 corporation?

15 A. LLC, limited liability. Under my name.  
16 No shares. No partners. No nothing.

17 Q. Does Blink Capital Holding, LLC, have an  
18 operating agreement?

19 A. No.

20 Q. Does it have a bank account?

21 A. Yes. Actually, I'm not sure if it's  
22 still open, so I'm sorry. It used to have a bank  
23 account. By now there's no money in there, so I  
24 don't know if the account is still open.

25 Q. Did you ever use Blink Capital Holding,

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2 LLC, in connection with glove transactions involving  
3 Rock Fintek or Kitchen Winners or Adorama?

4 A. Just once.

5 Q. Explain that.

6 A. There's one time that I didn't want to  
7 use the entity that I was using for gloves because I  
8 had partners in that other company, and they were  
9 not ready to sell that gloves at that time and I was  
10 wanted to sell it and I didn't want them to get  
11 involved, so I used this company.

12 Q. Do you recall specifically what glove  
13 transaction that you used Blink for in relation to  
14 gloves?

15 A. Meaning the date?

16 Q. What do you remember about that  
17 transaction?

18 A. All I remember was that, as I just said,  
19 I was having partners in the glove business. And  
20 they wanted to wait the price to go up and down -- I  
21 don't even remember all the details.

22 The bottom line was they were not  
23 willing to sell gloves that day. I wanted to sell  
24 it, so I decided to sell part of it under my other  
25 company so they were not getting involved. That's

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2 all.

3 Q. And was that the sale to Rock Fintek?

4 A. Yes. That's all. Just once and just one  
5 customer, Rock Fintek. All the other was from a  
6 company named -- I'm sure you know that -- JNS  
7 Capital Holdings, LLC.

8 Q. Do you remember when this transaction,  
9 this one-off transaction you're describing, took  
10 place, approximately?

11 A. I would say April, May, 2021. If you  
12 want the specific date, you might go back to the  
13 emails. I don't know what -- what exact date.

14 Q. Okay.  
15 So if I use the term "PPE," you  
16 understand I'm referring to personal protective  
17 equipment, right?

18 A. Yes.

19 Q. Okay.

20 Other than gloves, were you ever  
21 involved since 2019 -- really just focusing since  
22 2019 -- in the sale of any other PPE?

23 A. No.

24 Q. So when we're referring to PPE, we're  
25 only talking about gloves in this deposition?

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2 **That's fair?**

3 A. Correct.

4 **Q. When did you first become involved with**  
5 **the PPE business?**

6 A. Actual transaction, I have to go back and  
7 check when was my first sale. When I got involved  
8 working and dealing with it, it was probably  
9 somewhere in April or May of 2020.

10 I was start looking into deals, try to  
11 get gloves, try to sell gloves. But I don't  
12 recall offhand, unless I have to check my records,  
13 when was my first actual sale or actual  
14 transaction.

15 **Q. How did you become involved in the glove**  
16 **business?**

17 A. I have friends that was doing gloves and  
18 I heard from the community people, they're making  
19 nice money out of PPE and I was trying to get also  
20 some piece of that pie. That's all.

21 **Q. Well, who specifically did you go into**  
22 **the PPE business with in April or May of 2020?**

23 A. As I said, I tried with many friends or  
24 relatives I know before that they are -- either that  
25 they are into it or they have access companies that

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2 they doing PPE and I was trying to connect until I  
3 finally got connected to Hershey Weiner, and he  
4 provided me the MedCare glove. That's all I got.  
5 That's all I sell.

6 Q. So was Hershey Weiner the first business  
7 connection that you actually did business with in  
8 connection with the glove deals?

9 A. In real life, yes.

10 Q. Do you know somebody name Ms. Chun Rong  
11 Li?

12 A. No.

13 Q. You do not know somebody named Ms. Li?

14 A. No. I don't know her personally. I  
15 heard that name already from your emails or  
16 somewhere, but I don't know her.

17 Q. Did you hear -- do you recall hearing her  
18 name in the course of being involved in the PPE  
19 business?

20 A. Yes. Just once in the beginning.

21 Q. From who?

22 A. There is a man named Mr. Bruno -- I don't  
23 remember the full name -- and he connect me to this  
24 group Rock Fintek, Tommy Kato and Brad Gilling.

25 Q. Who is Bruno?



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2           A.       I don't know him personal, not from  
3 before and not now. Just some of my friends gave me  
4 his number that he has customers for PPE.

5                   I got connected to him by phone. I met  
6 him once or twice. And he brought me that offer,  
7 an ICPO from Rock Fintek signed by Tom and Brad.  
8 This is how this business with these people start.

9           Q.       So the ICPO that you just referenced --  
10 and we will take a look at that -- was that the  
11 first time that you had a written purchase order or  
12 the like from Rock Fintek?

13           A.       Yes.

14           Q.       Okay.

15                   Did you see the ICPO before you had  
16 actually connected with either Mr. Kato or  
17 Mr. Gilling?

18           A.       Yes.

19                   MR. RAKHUNOV: Objection.

20           Q.       Do you know Bruno's last name? Do you  
21 recall?

22           A.       No.

23           Q.       Do you know if Bruno actually was  
24 involved in supplying any of the gloves that would  
25 be sold to Rock Fintek?

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2 MR. FRISCH: Objection.

3 A. Possible. I don't know.

4 Q. Do you know if Bruno operated using any  
5 entity or is it just him personally?

6 A. Yes, he used an entity.

7 Q. What was his entity?

8 A. I'm trying to refresh my memory. I don't  
9 recall at the moment. If I get it later on -- I  
10 just don't remember.

11 Q. Okay.

12 Was Rock Fintek your first PPE client?

13 A. One of the first.

14 Q. Okay.

15 Who were other PPE clients that you  
16 worked with during the time period of 2020 when  
17 you first became involved through the end of 2021?

18 A. I sold to New York City. I had a  
19 customer Melvado. I sold a lot to a company named  
20 Bruche and Nachas, Inc. And I sold to Ader Trading.

21 Q. Anyone else that you can remember?

22 A. And A few more. I don't remember all of  
23 them.

24 And, by the way, I just recall the name  
25 Sourcing Connections for the name of Bruno. I

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1  
2 don't know whatever he does under that name or  
3 whatever PPE he does under a different name, but  
4 that's just the company name that he used with me.

5 **Q. What was your compensation arrangement**  
6 **with Bruno or his company, Sourcing Connection?**

7 A. Very straight to the point, I got access  
8 to some gloves. He has customers looking for gloves  
9 at that time during COVID, and let's try to make a  
10 deal. And that's all.

11 **Q. Did Bruno or Sourcing Connections get a**  
12 **piece of the deal?**

13 A. A commission.

14 **Q. Okay.**  
15 **Do you recall what the commission was?**

16 A. It was a percentage. I don't remember  
17 exactly. Maybe a dollar amount. I remember I paid  
18 him one time like \$10,000. I don't remember  
19 offhand. I have to go back to accounting.

20 **Q. Did you pay the commission directly to**  
21 **Bruno or did he get paid it directly from the deal?**

22 A. The way he structured the deal is that  
23 it's his customer, not mine, at that time. And  
24 every transaction while I was dealing with him  
25 should go through him.

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2 In other words, when I started with  
3 Bruno dealing with Rock Fintek I did not send  
4 anything to Rock Fintek directly. I sent my  
5 paperwork to Bruno and he forwarded over to them  
6 and the sometime vice versa.

7 So whenever there was a bill and a  
8 payment was collected, he charged me his  
9 commission and I should pay him directly.

10 Q. So but you received the payment directly  
11 from the gloves that Rock Fintek purchased from you  
12 through Bruno?

13 A. Yes.

14 Q. And then you paid Bruno the commission?

15 A. Yes.

16 Q. Did you pay it by check or wire transfer  
17 or something else?

18 A. Mostly wires.

19 Q. Okay.

20 What bank account did you wire Bruno  
21 payments from?

22 A. Blink Capital -- sorry -- JNS Capital.

23 Q. What is JNS Capital?

24 A. I opened that LLC just for that PPE  
25 business. You get money to buy gloves and sell them

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2 and get paid, pay my investors and whatever needs to  
3 be done.

4 Q. Does JNS have any members other than you?

5 A. No.

6 Q. Does JNS an operating agreement?

7 A. No.

8 Q. Does JNS have bank accounts?

9 A. Same story.

10 MR. FRISCH: Objection.

11 A. I'm not sure if it's still open.

12 Q. Did it have one bank account or more than  
13 one bank account?

14 A. I believe only one.

15 Q. When is the last time that JNS did any  
16 transactions in its bank account?

17 A. Around 12 months ago was leftover like  
18 \$2,000 paid to my attorney. That's all.

19 Q. So when JNS -- do you recall when JNS was  
20 formed?

21 A. I assume in January 2021.

22 Q. Okay.

23 And, by the way, I don't want you to  
24 assume. I don't think your attorney wants you to  
25 assume. We just want your best recollection.

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2                   So when JNS was first formed to do PPE  
3   transactions, where did it first obtain -- where  
4   did it obtain funding to purchase gloves?

5           A.     People in my community, investors.  
6   People I know. Friends, family, relatives. Private  
7   money, in other words.

8           Q.     How did JNS obtain the funding? I mean,  
9   were these loans? Were these capital investments?  
10   Explain to me how this worked in the beginning.

11          A.     I'm not sure what you refer to capital  
12   investment, but this was -- it was supposed to work  
13   -- one second. I'm trying to see how to explain it.

14                  I don't know exactly what you mean or  
15   referring by loan or capital investment. This was  
16   private money invested to this company for the  
17   purpose of doing the business. And once the money  
18   is back, they should get paid a profit on top.

19          Q.     So how many investors did JNS have in the  
20   beginning?

21          A.     I don't remember. Five, ten. Maybe  
22   more.

23          Q.     Okay.

24                  Were these investments memorialized in  
25   any type of a written agreement?

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2           A.       Yes, sure. But not an officially legal  
3 document. It was more on a private level, like a  
4 private note without any attorneys, without any  
5 professionals.

6           Q.       Okay.

7                    When you say a private note, I want to  
8 make sure we're on the same page here. Are you  
9 referring to a handwritten note written on a piece  
10 paper?

11          A.       Handwritten note. Piece of paper. It  
12 might be typed up. But I'm still referring to like  
13 privately typed up. Let's say an email or a  
14 document and signed by the two parties; this is an  
15 agreement between ABC and XYZ. ABC is investing  
16 this and that amount for the purpose of doing this  
17 PPE business.

18                   And once the product would be sold and  
19 the money will be back, they will get back their  
20 initial investment plus a profit, a piece of the  
21 profit on top of it.

22          Q.       Do you still have copies of these  
23 handwritten documents that memorialized initial  
24 investments into JNS Capital?

25          A.       I might have them, but not handy.

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2

MR. RAKHUNOV: Please make sure that

3

you preserve them and I'm going to ask that

4

you provide a copy of all of those notes to

5

Mr. Frisch and then we will call for the

6

production of those documents in this

7

litigation.

8

MR. FRISCH: Taken under advisement.

9

MR. RAKHUNOV: Understood.

10

**Q. Do you recall the names of the initial**

11

**investors into JNS Capital?**

12

MR. FRISCH: Objection.

13

A. No.

14

**Q. Okay.**

15

**You don't recall any of the investors**

16

**who put money into JNS?**

17

MR. FRISCH: Objection, meaning it's

18

really beyond the scope.

19

A. I don't know. I can't recall offhand,

20

no.

21

**Q. Did Adorama or Kitchen Winners invest in**

22

**JNS Capital in any way?**

23

A. No.

24

**Q. Do you know somebody named Joel**

25

**Lefkowitz?**



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2 A. Yes.

3 Q. Who is he?

4 A. He's a nice guy. He was doing business  
5 together with Hershey Weiner. He's one of the  
6 people who I got connected with to purchase gloves.

7 Q. He purchased the gloves from you?

8 A. No. I purchased the gloves. I'm not  
9 sure exactly his position, but he was working  
10 together with Hershey Weiner, and he was like part  
11 of the group or part of the team where I got the  
12 gloves from.

13 Q. Okay.

14 Did Mr. Lefkowitz invest in JNS Capital  
15 at all?

16 A. No.

17 Q. Okay.

18 So do you know whether Mr. Lefkowitz  
19 was affiliated with Adorama or Kitchen Winners?

20 A. I don't know.

21 Q. What brand gloves did you purchase from  
22 Mr. Lefkowitz?

23 A. MedCare gloves.

24 Q. Let me just ask you this: Did you ever  
25 purchase or sell gloves other than MedCare gloves

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2 when you were involved in the PPE business?

3 A. No.

4 Q. So your entire involvement in the PPE  
5 business was in relation to MedCare brand gloves?

6 MR. FRISCH: Objection.

7 A. Correct.

8 Q. Was Rock Fintek your biggest client  
9 during the time you were involved in the PPE  
10 business?

11 A. I'm not sure.

12 Q. Okay.

13 We'll come back to that.

14 When did you first meet Mr. Lefkowitz,  
15 Joel Lefkowitz?

16 A. To the best of my memory, around June,  
17 July of 2021.

18 Q. June or July. Okay.

19 A. No. That doesn't make sense. I'm sorry.  
20 During July 2020.

21 Q. And is Mr. Lefkowitz an attorney?

22 A. No.

23 Q. So he wasn't -- obviously he wasn't your  
24 attorney.

25 You said he was a nice guy. What do

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2     **you mean by that?**

3           A.     Nothing special. Just I didn't  
4     understood the question of what type of a guy he is.  
5     Just a nice guy and I find him to -- an opportunity  
6     to do business with. That's all.

7           Q.     Okay.

8                   **Is Jack Lefkowitz someone different?**  
9     **Is that a different person?**

10          A.     Totally different.

11          Q.     Okay.

12                   **Any relation to Joel Lefkowitz?**

13          A.     No.

14          Q.     **Who is Jack Lefkowitz?**

15          A.     He's a consultant.

16          Q.     **Is he an attorney?**

17          A.     No.

18          Q.     Okay.

19                   **What kind of a consultant is he?**

20          A.     A private consultant to whoever tries to  
21     get him.

22          Q.     **I'm not sure what that means. What kind**  
23     **of consulting does he do?**

24          A.     Business consulting for whatever you  
25     like. Whatever question you have, is it in

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2 business, is it in your personal life, whatever you  
3 need help with, he's available to help.

4 Q. Is he a consultant to you?

5 A. Sometimes, yes.

6 Q. Okay.

7 Do you hire him as a consultant? Does  
8 he get paid for his services?

9 A. When I use him, I have to pay him.

10 Q. Was Mr. Jack Lefkowitz an investor in  
11 your glove business at any time?

12 A. No.

13 Q. Did Mr. Lefkowitz provide you with any  
14 funding for any glove ventures at any time, whether  
15 it was as a lender or an investor or otherwise?

16 A. No.

17 Q. Have you heard of an entity called The  
18 Funding Depot?

19 A. I might have heard that name before, but  
20 I don't recall doing any business with them.

21 Q. Okay.

22 Have you discussed your Rock Fintek  
23 business with Jack Lefkowitz at any time?

24 A. Yes.

25 Q. Okay.

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2

**When?**

3

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21

A. I don't remember. Whenever I had a question and I wanted to have some outside consulting -- when I mean outside, outside my group.

And, by the way, just an explanation. When you asking me if I hired Jack Lefkowitz, he's not hired as some people have a steady accountant or attorney, that this is my attorney or this is my accountant on some kind of arrangement.

This is like he's a consultant available. Whenever you call him, you can make an appointment like when you go to a doctor or when you go to any other professional.

If he's available, you make an appointment, use him, pay him. And that's all. You need him again, you call him again and use him again. There's no steady hire or available on a daily basis.

**Q. Do you know what expertise Mr. Jack Lefkowitz has as a consultant?**

22

23

24

25

A. Not specifically, but I know that he got a lot of training in many other areas and a lot of experience, a lot of networking. That's all I know.

**Q. When you say he got a lot of training,**

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2     **what do you mean? I'm still trying to understand**  
3     **what kind of consultant Mr. Jack Lefkowitz is.**

4             A.     He was -- he was taking training by other  
5     -- I don't know. I've not seen any of his diplomas  
6     or any paperwork, what kind of profession he is.

7                     I've just heard his name from other --  
8     and I used him and I liked him. He's a wise guy.  
9     He know what he's doing. That's all.

10                    I have no idea what his background is  
11     and --

12             **Q.     When did you first connect with Jack**  
13     **Lefkowitz?**

14             A.     Years ago. Much before. Before I got  
15     involved in this PPE business.

16             **Q.     Okay.**

17                     And during the time frame of 2020 and  
18     2021 while you were doing business with Rock  
19     Fintek, how many times did you consult Mr. Jack  
20     Lefkowitz?

21             A.     I don't remember.

22             **Q.     Okay.**

23                     Do you remember what advice or  
24     consulting he gave you with respect to the Rock  
25     Fintek business?

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2 A. Not at the moment, no.

3 Q. Did you discuss this litigation at any  
4 point with Jack Lefkowitz?

5 A. Yes.

6 Q. Okay.

7 And was that in writing or by phone or  
8 both?

9 A. Verbally.

10 Q. What did you tell Mr. Lefkowitz and what  
11 did he tell you about this litigation?

12 A. I basically shared my story and what I  
13 got involved with and with my attorney and what  
14 is -- what we trying to do and what we trying to  
15 gain and seek some additional advice.

16 Q. What kind of advice did Mr. Jack  
17 Lefkowitz give you about this matter?

18 A. Nothing special that I can describe.  
19 It's just basically use him like a place to discuss  
20 myself and make sure that I'm feeling comfortable  
21 the way, whatever I'm doing, attorney I'm using.  
22 That's all.

23 Q. Did you ever provide written write-ups  
24 about this case to Jack Lefkowitz?

25 A. I don't recall providing any written

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2 communication about the Rock Fintek case. I might  
3 have given information about different part of this  
4 business, but not about -- I don't recall  
5 specifically about Rock Fintek.

6 Q. So you don't remember writing a detailed  
7 narrative in September of 2022 to Mr. Jack Lefkowitz  
8 about the Rock Fintek, Kitchen Winners, and Adorama  
9 litigation?

10 A. I remember writing something about an  
11 issue that I have with my own partners I was dealing  
12 with, but not relating between -- not an issue  
13 between me and Rock Fintek. It's more of like an  
14 issue between me and my own partners that I was  
15 trying to get a way out of.

16 Q. Okay.  
17 Who was your first PPE client?

18 A. I don't remember offhand.

19 Q. Okay.  
20 So you've described a few minutes ago  
21 that your first introduction to Rock Fintek was  
22 through Bruno, correct?

23 A. Correct.

24 Q. And you said the first deal that you did  
25 with Rock Fintek was entirely done through Bruno



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2 other than the payment from Rock Fintek came to you  
3 directly; is that correct?

4 A. Correct.

5 Q. Do you know how many deals you did with  
6 Rock Fintek through Bruno before you started dealing  
7 with them directly?

8 A. I would say three loads, three  
9 containers. So three containers of gloves sold o  
10 Rock Fintek through Bruno. I don't remember the  
11 full amount, but I remember there was a quantity on  
12 that -- that first initial PO that I got through  
13 Bruno from Rock Fintek was a certain quantity. I  
14 don't remember the exact quantity, but I do remember  
15 that this was never finished at that time.

16 Q. What do you mean by that?

17 A. For an example, and as I say, just and  
18 example, I don't remember the exact count, but let's  
19 say their PO says that they're going to buy five  
20 containers and they got only three containers.  
21 Something like it. I don't remember the exact  
22 quantities. But they didn't finish their initial  
23 ICPO.

24 Q. How did you communicate with Bruno?

25 A. At that time I did not communicate with

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2 Bruno. I'm sorry. I meant the Rock Fintek. Bruno?

3 Maybe by phone.

4 Q. Okay.

5 Did you exchange SMS messages with him?

6 A. Probably.

7 Q. Do you still have your SMS messages with

8 Bruno preserved?

9 A. No.

10 Q. Why not?

11 A. My phone broke that one time and I got a  
12 new phone and I didn't get all the messages backed  
13 up.

14 Q. When did you get a new phone?

15 A. I got at least three new phones since  
16 then, so I don't recall.

17 Q. Did you communicate with Bruno by email?

18 A. As far as I remember, not much except for  
19 paperwork that was shared, sent back and forth. But  
20 actual -- any type of dealing was mainly by phone.

21 Q. Okay.

22 What did Bruno tell you about Rock  
23 Fintek when he first introduced you to that  
24 opportunity?

25 A. I don't recall much details. All I

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2 remember is that he has a customer and -- that can  
3 use a lot of gloves and if this works out, might get  
4 much more than initial order and I should go through  
5 him. And that's all.

6 Q. What type of gloves did Bruno tell you  
7 Rock Fintek was looking to purchase?

8 A. Nitrile examination gloves.

9 Q. What is your understanding of what a  
10 Nitrile examination glove is?

11 MR. FRISCH: Objection.

12 A. Not much of understanding not coming from  
13 a PPE background from before. All I know is that  
14 this is a certain type of rubber and there's a  
15 certain type of glove used in medical or healthcare  
16 facilities and similar places.

17 Q. All right.

18 MR. RAKHUNOV: We're going to venture  
19 into the world of introducing a first  
20 exhibit. I've just published an exhibit to  
21 the final exhibits folder. The name of it  
22 should say Stern 1.

23 MR. FRISCH: Hit the refresh button.

24 (Whereupon, an email and an attachment  
25 was marked as Stern Exhibit 1 for

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2 identification, as of this date.)

3 Q. Do you have the document open, Mr. Stern?

4 A. Yes.

5 Q. Great.

6 For the record, this is a document. It  
7 doesn't have a Bates label but it came from the  
8 production made to us by your attorney, Mr. Stern.

9 MR. RAKHUNOV: It has -- I actually  
10 can't put the file name into the record  
11 because it's being blocked right now -- well,  
12 I can do that.

13 So the file name is  
14 000215\_FWD\_completed\_pleaseDocuSign\_IMFPA4900  
15 0box. That should be enough hopefully to  
16 identify it on the record clearly.

17 Q. Do you recognize this two-page document  
18 which appears to be an email and an attachment,  
19 Mr. Stern?

20 A. Yes.

21 Q. What is it?

22 A. It's a ICPO from Rock Fintek to JNS  
23 Capital to buy 90,000 boxes of gloves.

24 Q. All right.

25 So first let me direct your attention

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2 to the first page of the document where it says  
3 from Bruno Azra via DocuSign.

4 Do you see that?

5 A. Yes.

6 Q. Does that refresh your recollection as to  
7 Bruno's last name?

8 A. Yes.

9 Q. And before we look at the document, you  
10 forwarded it to hindy@promoeref.com.

11 Do you see that?

12 A. Yes.

13 Q. Who is that?

14 A. I don't remember.

15 Q. You don't remember?

16 A. No.

17 Q. Do you remember why you were forwarding  
18 this agreement to whoever this individual is?

19 A. I'll tell you what I guess, but don't  
20 catch me on the word. I might -- this Hindy might  
21 be someone dealing with --

22 MR. FRISCH: Don't guess.

23 A. Then I don't remember.

24 Q. Do you remember anything about someone  
25 named Hindy being involved in the --

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2 A. Yes.

3 Q. Okay.

4 What do you remember?

5 A. She was someone also dealing in PPE  
6 gloves, and I probably wanted her advice if  
7 everything make sense. That's all I can say. And  
8 more than that, I don't remember.

9 Q. All right.

10 So if you look at page 2 of this  
11 document -- it's on Rock Fintek letterhead.

12 Do you see that?

13 A. Yes.

14 Q. -- do you know who drafted this corporate  
15 purchase order?

16 A. No.

17 Q. Okay.

18 It was provided to you in this form; is  
19 that correct?

20 A. Correct.

21 Q. And it's dated February 3, 2021, correct?

22 A. Correct.

23 Q. Okay.

24 And under Products in the middle of the  
25 page, it says Nitrile Glove Medicare Medical Exam

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2 Blue Color.

3 Do you see that?

4 A. Yes.

5 Q. Okay.

6 And the price was \$15 per box of 100,

7 correct?

8 A. Right.

9 Q. And this was, again, the first glove deal  
10 that you were involved in for Rock Fintek, correct?

11 A. Correct.

12 Q. Okay.

13 So did you accept this deal?

14 A. Yes.

15 Q. And what did you do to obtain medical  
16 exam gloves for Rock Fintek pursuant to this  
17 purchase order?

18 A. Explain please.

19 Q. Sure.

20 Well, did you already have the glove  
21 source to provide to Rock Fintek?

22 A. Yes.

23 Q. Where did you obtain those gloves?

24 A. Through Kitchen Winners.

25 Q. What is Kitchen Winners?

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2 MR. FRISCH: Objection.

3 Q. What is your understanding of what  
4 Kitchen Winners is?

5 A. My understanding is that Kitchen Winners  
6 was dealing in many servicing import/export -- I'm  
7 not sure exactly what and how many -- and in the  
8 course of their business, they also got available  
9 PPE to sell. And that's all I know.

10 Q. With whom were you dealing with at  
11 Kitchen Winners?

12 A. With Hershey Weiner and Joel Lefkowitz.

13 Q. Are you aware of an entity or a business  
14 called Adorama?

15 A. Yes.

16 Q. Do you have any understanding as to the  
17 relationship between Kitchen Winners and Adorama?

18 A. Not exactly. I was never involved. I  
19 never spoke -- at that time, I never spoke with  
20 anyone from Adorama.

21 I just understand that somehow Kitchen  
22 Winners got either help or -- I don't know. I  
23 don't feel comfortable to talk something that I  
24 was never involved and I don't know exactly what  
25 it is.



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2           Q.     And I'm only asking you about your  
3     understanding, so that's --

4           A.     My understanding is that Kitchen Winners  
5     got some kind of help -- could be financially, could  
6     be other type of help -- to run that business with  
7     the PPE. Exactly details, I have no idea. I can't  
8     speak for them.

9           Q.     Did Mr. Weiner ever tell you anything  
10    about the relationship between Kitchen Winners and  
11    Adorama?

12          A.     I don't recall.

13          Q.     Okay.

14                 Do you recall referring to Kitchen  
15    Winners as Adorama when you were dealing with Rock  
16    Fintek in 2020 and 2021?

17          A.     Limited to what I said before, that  
18    Adorama might be their financial partner, but not  
19    more than that.

20          Q.     And, by the way, I should have put this  
21    on the record earlier just so it's clear. You're  
22    appearing today -- the camera view is through what  
23    kind of a device?

24          A.     It's an Android smartphone like you see  
25    here. A Galaxy S10.

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2           Q.     But you're viewing exhibits on a  
3     different device, correct?

4           A.     Correct, on a computer.

5           Q.     Okay.

6                     Do you have any other phones in front  
7     of you?

8           A.     No.

9           Q.     And other than the folks on this screen  
10    in this deposition, are you communicating with  
11    anyone else during this deposition? Have you been?

12          A.     No.

13          Q.     Okay.

14                    Did Mr. Weiner explain to you what his  
15    personal role was with either Kitchen Winners or  
16    Adorama?

17          A.     I never got into specific questionnaire  
18    with him. My understanding is just, as I said  
19    before, that Kitchen Winners has access to purchase  
20    gloves.

21                    My understanding -- it doesn't  
22    necessarily mean that that's the fact -- that the  
23    same as I used friends as investors, he used  
24    Adorama as a financial partner.

25                    This was my understanding at that time.

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2 And that's all. He got gloves and he's ready to  
3 sell.

4 Q. Well, do you recall during your deals  
5 with Rock Fintek referring to your source of gloves  
6 as being Adorama, using that specific word?

7 A. I'm not referring specifically. But  
8 again, I can't recall thousands of conversations  
9 that I had with many people. In -- In a general  
10 level, I was referring to Hershey Weiner.

11 Q. Okay.

12 So we just looked at the purchase order  
13 a minute ago that --

14 MR. FRISCH: Phil, I don't see any  
15 stamp on it.

16 MR. RAKHUNOV: Off the record for a  
17 second.

18 (Whereupon, a discussion was held off  
19 the record.)

20 Q. So we were talking a few minutes ago  
21 about Nitrile medical exam gloves that you were  
22 going to fulfill the purchase order for Rock Fintek.  
23 And you testified, I believe, that you got the  
24 entirety of the gloves for that purchase order from  
25 Kitchen Winners; is that correct?

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2 A. Correct.

3 Q. What steps did you take to make sure that  
4 those gloves were conforming to the specifications  
5 in the purchase order?

6 MR. FRISCH: Objection to the form.

7 You can answer if you know how.

8 A. I'm trying to figure how to explain. Let  
9 me try to first say a general introduction, if you  
10 don't mind, because it looks like many questions  
11 will be similar like.

12 As I said before, I'm not coming from a  
13 PPE background or any similar type of business or  
14 technicals. And I was not that much details, so  
15 you might ask whatever detail question, which I  
16 have no problem, but just to get an understanding,  
17 I was never that much detail involved.

18 All in all know is there's a pandemic,  
19 people looking for medical gloves and people  
20 making a lot of money on it and I was trying also  
21 to get a part of that business. Even a small part  
22 of it is a nice profit for me.

23 And I got connected to this Kitchen  
24 Winners to buy medical gloves. I didn't know much  
25 about it, just that this is Nitrile medical

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2 examination gloves.

3           Then I got connected with -- not  
4 directly to Rock Fintek, just as explained  
5 before -- through Bruno. And he explained to me  
6 that they need medical examination gloves  
7 specifically and he wants to get samples past  
8 them. He wants to get some paperwork to back them  
9 up.

10           So I got some paperwork at that time  
11 from Kitchen Winners that I provided to Bruno.  
12 And he came personally to meet me and pick up some  
13 sample gloves.

14           He took them to -- I don't know what --  
15 probably send them over to Rock Fintek. I don't  
16 know what he did. And then a week or two later he  
17 came -- he called me back that, yeah, this is  
18 approved, this is good to go, and we are in  
19 business if I'm ready. So I say yes.

20           So he ask me what specific steps I took  
21 to make sure. I don't feel like I did any  
22 specific steps. I just provided him what I got  
23 and he examined them -- I mean to say Mr. Bruno or  
24 whoever I took them the samples and the  
25 paperwork -- and it got approved.

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2 That's all.

3 Q. So let's break some of that down.

4 So you understood that Rock Fintek was  
5 looking for specifically medical examination  
6 gloves, correct?

7 A. Correct.

8 Q. Okay.

9 And Bruno understood -- well, discussed  
10 with you that they were looking specifically for  
11 medical examination gloves, correct?

12 A. Correct.

13 Q. You said you obtained some paperwork from  
14 someone. Who did you obtain that paperwork from?

15 A. Hershey Weiner.

16 Q. Okay.

17 How did Mr. Weiner --

18 A. Or Joel Lefkowitz maybe.

19 Q. Do you recall how they sent you that  
20 paperwork, by what means?

21 A. No.

22 Q. Okay.

23 Is that what your memory is?

24 A. I don't recall. You want explanation?

25 It might be by email. It might be by WhatsApp. It

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2 might be in person. It might be actual paper. I  
3 don't remember.

4 Q. Okay.

5 Did you communicate with Mr. Weiner by  
6 WhatsApp?

7 A. No.

8 Q. Okay.

9 Did you communicate with Joel Lefkowitz  
10 by WhatsApp?

11 A. Sometimes. Not much.

12 Q. Do you still have your WhatsApp messages  
13 with Mr. Lefkowitz?

14 A. I'm not sure. As I said before, I  
15 changed phones many times in between. I can check,  
16 but I'm not sure.

17 Q. Do you understand whether WhatsApp  
18 preserves chat history that can be recovered from  
19 phone to phone?

20 A. I understand that WhatsApp has a backup  
21 option, but it didn't work for me all the time. I  
22 lost a lot of information. Thanks God I had what I  
23 saved for Rock Fintek when you asked -- what I'm  
24 saying is that I lost a lot of information. Some of  
25 them was backed up, and part of it was whatever I

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2 had for Rock Fintek that was sent over to you.

3 Q. In connection with this litigation, did  
4 you search for any messages with Joel Lefkowitz  
5 through WhatsApp?

6 A. No.

7 Q. I'm going to ask you that you conduct a  
8 search for those messages and provide them to your  
9 attorney.

10 MR. RAKHUNOV: And we are requesting  
11 the production of messages with Joel  
12 Lefkowitz in this matter.

13 MR. FRISCH: To the extent they exist,  
14 that's not a problem. To follow up, just  
15 send me an email so I can remember who you're  
16 asking for.

17 Q. You mentioned a moment ago that you  
18 obtained some samples to provide to Bruno.

19 Do you remember that?

20 A. Yes.

21 Q. How were those samples given to you?

22 A. Personal picked up from an office, the  
23 Kitchen Winners, or from the car of Joel Lefkowitz.

24 Q. When you say office of Kitchen Winners,  
25 where is such an office?



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2           A.       I'm not sure if the office still exists.  
3 But at that time they had an office on -- Brooklyn  
4 -- I don't remember the address. I'm sorry.

5           Q.       Well, can you describe what that office  
6 looked like.

7           A.       It was somewhere on 13 Avenue in  
8 Brooklyn. I don't remember the address.

9                   The office looked like? It looks like  
10 -- to me, it looked like someone left an office.  
11 And it was like a big room with two, three desks  
12 and they just needed an office and they rented.  
13 This what it looked to me. Whoever is the owner,  
14 where it is, I have no idea.

15          Q.       Was there any signage on that office?

16          A.       Any what?

17          Q.       Like a big sign that said --

18          A.       No. no, not at all.

19          Q.       How often did you visit that office?

20          A.       Not too often. There was no reason to go  
21 there that much.

22          Q.       How many times did you visit the office?

23          A.       Let's say three.

24          Q.       Okay.

25                   And who was there when you visited?

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2           A.       When I visit the office, it was only a  
3       prearranged meeting with Hershey Weiner and Joel  
4       Lefkowitz and some people also working there.

5           **Q.       When you say you picked up some samples,**  
6       **do you recall what those samples were and how many**  
7       **boxes?**

8           A.       It was -- I don't remember how many  
9       boxes, but this was the same MedCare gloves that I  
10      got and I sold. I got the majority -- not the  
11      majority. Everything went straight to a warehouse,  
12      so I didn't have any gloves on hand to provide  
13      samples. So I picked up a few individual boxes to  
14      be able to have samples on that.

15          **Q.       And when you say a box, you're saying a**  
16      **small box that has 100 gloves in it, correct?**

17          A.       Correct.

18          **Q.       Not a carton that has 100 boxes, correct?**

19          A.       Correct.

20          **Q.       Okay.**

21          A.       Some people refer to it like a tissue  
22      box.

23          **Q.       That's helpful.**

24                    You just mentioned a moment ago that  
25      everything went directly to a warehouse.

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2                   **What do you mean by that?**

3           A.       That I -- whenever I received gloves, it  
4       was not in a form that I received to my house or  
5       that I have something written for gloves.

6                   It came from the port and delivered  
7       straight to a warehouse, a commercial or a public  
8       warehouse.

9                   So when I needed a sample there, I had  
10       really nothing. Not even one box. But we  
11       especially requested from the warehouse to send  
12       either to me or to Hershey a carton, as we said  
13       before, or two cartons of gloves just to have  
14       samples. That's how we got samples.

15           **Q.       Okay.**

16                   And you provided the samples to Bruno  
17       to give to --

18           A.       Yes.

19           **Q.       And what was your understanding as to**  
20       **what these gloves would be used for by the end**  
21       **buyer?**

22           A.       Whatever they need to do. I understand  
23       any healthcare facility, any nursing home, any  
24       hospital using gloves come to me.

25           **Q.       So you understood that the gloves would**

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2     **be used in a medical facility, correct?**

3             A.     Yes.

4             MR. RAKHUNOV:   Let's take a break.

5             (Whereupon, there was a pause in the  
6     proceeding.)

7             **Q.     By the way, as far as the gloves that you**  
8     **were sourcing through Mr. Weiner and Mr. Lefkowitz**  
9     **to sell to Rock Fintek to fulfill the purchase order**  
10    **that we looked at in Stern Exhibit 1, did you**  
11    **understand who the manufacturer was for those**  
12    **gloves?**

13            A.     I know the brand name of MedCare, but not  
14    much more beyond.

15            **Q.     Did you ever hear of the name of the**  
16    **company behind MedCare, Global Tooling Services?**

17            A.     I've seen that name, yes.

18            **Q.     And did you communicate directly with**  
19    **anyone at Global Tooling Services or MedCare about**  
20    **the gloves?**

21            A.     Not about these gloves, no.   I tried once  
22    to -- I don't remember when it was -- it was some  
23    kind -- truthfully, I don't remember.   Either I had  
24    to send a deposit for -- I don't remember.

25    Something was that I tried to get connected once and

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2 it didn't work out.

3 Q. By the way, you testified a few minutes  
4 ago that you understood the gloves would be put to  
5 medical uses.

6 At that time in the beginning of your  
7 relationship with Rock Fintek, did you understand  
8 who Rock Fintek's client was?

9 A. No.

10 Q. Did you understand what type of a client  
11 it was?

12 A. No.

13 Q. Did you know that it was a hospital?

14 A. No.

15 Q. Did you ever gain an understanding that  
16 it was a hospital?

17 A. Later on in the game, they start  
18 complaining because that -- don't you know that we  
19 are selling to a hospital? But not before.

20 Q. When you say "later on in the game," I  
21 just want to get your best recollection of the  
22 timing.

23 When did you first learn that Rock  
24 Fintek's client was a hospital?

25 A. I cannot recall a specific date, but

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2 definitely not at that time of February 2021. It  
3 must be months later. Maybe closer to the end of  
4 2021, but I don't recall.

5 Q. And when you learned that Rock Fintek's  
6 client was a hospital, were you still doing business  
7 with Rock Fintek or had you concluded your business  
8 with Rock Fintek?

9 A. To the best of my memory, I have not done  
10 any business at that time anymore.

11 MR. RAKHUNOV: I put an exhibit into  
12 the folder marked as stern 2.

13 (Whereupon, an email was marked as  
14 Stern Exhibit 2 for identification, as of  
15 this date.)

16 Q. Please pull that up and let me know when  
17 you have it open.

18 A. Okay.

19 Q. So this is an email also produced by your  
20 attorney. It doesn't have a Bates number, but it's  
21 from 9070854@gmail.com.

22 Is that your email address, Mr. Stern?

23 A. Yes.

24 Q. Okay.

25 And it's dated Wednesday, December 16,

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2 2020, at 1:22 a.m. Eastern Standard Time, correct?

3 A. Okay.

4 Q. The recipients are Joel Lefkowitz,  
5 someone at dlr858@gmail.com.

6 Who is that?

7 A. He's one of the people who connect me to  
8 Joel Lefkowitz.

9 Q. What's his name?

10 A. David Rubin.

11 Q. Did David Rubin invest in your glove  
12 purchases?

13 A. No.

14 Q. When you say he connected you with Joel  
15 Lefkowitz, what do you mean by that?

16 A. Simple as I said. He was one of the  
17 people who -- just -- kind of like a broker type of  
18 deal. I didn't know Joel Lefkowitz before. I  
19 didn't know Hershey Weiner before. I didn't know  
20 Kitchen Winners before.

21 All I know I was trying to get the  
22 source of PPE and trying to get customers, trying  
23 to create a business.

24 And there was like a nice few people  
25 that I know that everyone tries their connections.

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2 And David Rubin got a connection to Kitchen  
3 Winners through Joel Lefkowitz.

4 Q. What was David Rubin's financial interest  
5 in the glove transactions?

6 A. He also wanted to get a commission of  
7 helping putting the deal together.

8 Q. And who is Joel Masry, M-A-S-R-Y?

9 A. Where do you see that name? Oh, here.  
10 He's the -- he's a partner with David Rubin.

11 Q. What was Mr. Masry's role in the  
12 transaction with the gloves?

13 A. Same as David Rubin.

14 Q. And is bhhbmnn Joel Masry's email address  
15 or someone else?

16 A. Correct.

17 Q. And now please review the email, the body  
18 of the email.

19 Do you recognize the agreement dated  
20 12/15/2020 that's discussed in this email?

21 A. Yes.

22 Q. Okay.

23 Explain what this agreement is, please.

24 A. So first, as described, Joel Lefkowitz  
25 was working with or for Kitchen Winners to bring in



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2 gloves, PPE gloves. We wanted his help. We should  
3 get our gloves on time, as promised at that time,  
4 whoever was involved in PPE or, actually, any  
5 import/export business.

6 There was many obstacles from the  
7 ports, from the shipping, getting empty containers  
8 to place the boxes together to ship. Many, many  
9 issues to get import from overseas.

10 And since we were dealing with Joel  
11 Lefkowitz, we had asked his help to prioritize, he  
12 get our orders on time and he will get a  
13 commission for that.

14 Q. Okay.

15 Do you see in line 4 of this email that  
16 it refers to a phrase "our contracted gloves"?

17 A. Yes.

18 Q. What does that phrase mean in this  
19 particular agreement?

20 A. The gloves we have contracted to buy from  
21 Kitchen Winners where Joel Lefkowitz was part of the  
22 team.

23 Q. In this agreement, you're referring to  
24 gloves that you're purchasing? Not the gloves that  
25 you're selling?

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2                   **Do you understand my question?**

3           A.       Yes. So first of all, as I said before,  
4 you see this is a typical example of a private  
5 email, not done by any professional.

6                   So what this saying is if Joel  
7 Lefkowitz will prioritize, as he said, people will  
8 have the gloves on time and the people we're able  
9 to sell them on time for a good profit, he will  
10 get a commission for that help.

11           **Q.       Okay.**

12                   **And what gloves were you contracting to**  
13 **buy through Mr. Lefkowitz?**

14           A.       MedCare gloves.

15           **Q.       Any specific type of MedCare gloves?**

16           A.       Of course. Nitrile examination gloves.

17           **Q.       And you understood that Rock Fintek was**  
18 **only interested in buying examination Nitrile**  
19 **MedCare gloves, correct?**

20           A.       Correct. And the same is I was only  
21 interested in buying Nitrile examination gloves.

22           **Q.       So you understand that a portion of the**  
23 **gloves that you sold to Rock Fintek were labeled as**  
24 **not examination gloves but protection gloves, as you**  
25 **sit here today?**

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2           A.       No.

3           **Q.       You do --**

4                   MR. FRISCH: I couldn't hear half the  
5       question.

6           **Q.       Did you hear my question, Mr. Stern?**

7           A.       My understanding in your question is if I  
8       recall selling to Rock Fintek gloves labeled as  
9       protection gloves and not examination gloves.

10                   To the best of my knowledge and my  
11       memory and information, I received from my  
12       warehouse -- and information and instructions I  
13       gave to my warehouse was to double-check -- first  
14       of all, to make sure that any order came in, to  
15       double-check they are Nitrile examination gloves,  
16       which was confirmed to me by my warehouses that I  
17       use.

18                   And the same thing when they shipped  
19       out goods, double-check again. Make sure there's  
20       no mistakes and you're only shipping Nitrile  
21       examination gloves.

22           **Q.       Okay.**

23           A.       Just to add a note, I was not at the  
24       warehouse at the time of the shipment arrived or was  
25       shipped out so I couldn't do it on my own.

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2 But the instructions I gave to the  
3 warehouse people and the confirmations I received  
4 from them was that this is what was happening,  
5 only Nitrile examination gloves.

6 Q. So in connection with your business with  
7 Rock Fintek, what warehouses did you use?

8 A. First I used the warehouse in New Jersey.  
9 Give me a second. I forgot the name. Let me try to  
10 look it up.

11 Q. By the way, I'm not asking --

12 A. I forgot the name, but a warehouse in New  
13 Jersey. And then later on it, the rest of the stuff  
14 was through MD 3PL, and they have a few locations.  
15 Actually, one is also in New Jersey, a large  
16 location. But mainly my stuff was in LA,  
17 California.

18 Q. By the way, Mr. Stern, were you just  
19 trying to look something up? Because I don't want  
20 you to look anything up here.

21 A. No. I was about to ask if I should look  
22 up something.

23 Q. That's not for today.

24 Do you have -- I saw earlier you have  
25 two screens open. Do you have any email browsers

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2 open or web browsers open through which you're  
3 getting email or communication right now?

4 A. No.

5 Q. Okay.

6 Are you familiar with an entity called  
7 Avro Logistics?

8 A. Oh, that's the name of their -- of the  
9 first place. Actually, there was two names there.  
10 I recall the other name. Avira Logistics is one  
11 name. I don't remember the exact spelling, but  
12 probably A-V-I-R-A.

13 Am I correct, Phil?

14 Q. We'll find it in a document.

15 A. Okay.

16 Q. Did your logistics companies or  
17 warehouses provide you with information like packing  
18 slips or anything like that as to the gloves that  
19 you were both receiving and sending out to Rock  
20 Fintek?

21 A. No. They provided what they called a  
22 tally sheet, and the information in that was  
23 basically a container number with a date and some  
24 details about the shipping arrived.

25 I don't recall specific details of the

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2 contents of the container because this was  
3 communicated verbally just to double-check to make  
4 sure that they are Nitrile examination gloves and  
5 not something else.

6 Q. Do you recall receiving documents like  
7 tally sheets that you just described or other such  
8 documents by email from your logistics providers  
9 during the course of your business relationship with  
10 Rock Fintek?

11 A. Yes, sure.

12 Q. Okay.

13 And was it your custom and practice to  
14 review such materials in the ordinary course of  
15 business?

16 A. Yes, more or less.

17 Q. What do you mean more or less?

18 A. More or less means that generally I was  
19 reviewing them. But might be sometimes that I just  
20 missed or skipped something.

21 Q. Okay.

22 MR. RAKHUNOV: I'm putting another  
23 exhibit into the folder. Hopefully you have  
24 that in the final exhibits folder.

25 (Whereupon, an email was marked as

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2 Stern Exhibit 3 for identification, as of  
3 this date.)

4 Q. While you're looking I'll just put on the  
5 record, this is a 36-page document consisting of an  
6 email and attachments from Joel Mendlovic to you,  
7 subject gloves, dated Tuesday, January 12, 2021,  
8 12:04 a.m.

9 MR. FRISCH: Just for clarity, can we  
10 put on the record that Mendlovic is spelled  
11 M-E-N-D-L-O-V-I-C.

12 MR. RAKHUNOV: You anticipated my next  
13 questions.

14 Q. Do you have it, Mr. Stern?

15 A. Yes.

16 Q. Who is Joel Mendlovic?

17 A. This is another guy that was trying to  
18 bring in gloves, the same MedCare brand gloves, and  
19 I was trying to get -- I got from him also a small  
20 load of gloves.

21 Q. Was Mr. Mendlovic, to your knowledge,  
22 affiliated with Adorama or Kitchen Winners?

23 A. Not at all.

24 Q. Do you know if Mr. Mendlovic was  
25 affiliated with any entity other than his own

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2 **personal name?**

3 A. Yes.

4 **Q. What was that entity?**

5 A. AMCM.

6 **Q. Well, did you obtain gloves from**

7 **Mr. Mendlovic that you sold to Rock Fintek?**

8 A. I obtained gloves from Mr. Mendlovic.

9 And later in the game when -- I'm trying to say  
10 later is I start selling to Rock Fintek in February  
11 2021 and later on in about April, May 2021. And I'm  
12 not sure at what point I start getting -- what's the  
13 date of this agreement? I think I got it at 2020,  
14 this time, the gloves.

15 **Q. I'm sorry. If you're looking at Stern 3,**  
16 **I think the date of that email is --**

17 A. Oh, January 2021. Right. I didn't got  
18 it at that time. If I remember, I got it probably  
19 not before May or maybe June. I don't remember when  
20 I got it. It didn't come on time.

21 So I cannot say that I sold directly  
22 gloves from this Rock Fintek because the timing  
23 doesn't match.

24 **Q. So you don't remember right now one way**  
25 **or the other whether gloves from AMCM were sold to**



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2 **Rock Fintek?**

3 A. Not by me. Not directly by me.

4 **Q. Okay.**

5 A. If a third party took over these gloves,  
6 that's possible, but not directly what I sold to  
7 Rock Fintek during that time. Because based on the  
8 timing, it doesn't make sense.

9 **Q. Do you know what clients, to which**  
10 **clients you would have sold AMCM gloves if not for**  
11 **Rock Fintek?**

12 A. Mostly to Bruche and Nachas and some  
13 others I don't recall or don't remember.

14 **Q. Do you recall why Mr. Mendlovic is**  
15 **sending you the materials attached to this email?**  
16 **And you can scroll through them.**

17 A. I asked him for an inspection report.  
18 Because usually any new customer that I was engaged  
19 with asked me for an inspection report to get the  
20 technical details of the gloves to make sure they  
21 are official or what they're looking for.

22 In the case of Rock Fintek, I have not  
23 done that on my own because it was done by Bruno.  
24 But in other cases I couldn't sell anything before  
25 I send that over.

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2           Q.     All right.

3                   And the materials attached to this  
4 email, you would agree with me show packaging for  
5 Nitrile -- synthetic Nitrile examination gloves,  
6 correct?

7           A.     Correct.

8           Q.     Okay.

9                   And to your knowledge -- go ahead.

10          A.     Just as a note, if you look at the top  
11 right corner of these pages, it has in red "passed,"  
12 which means that this inspection has passed  
13 inspection and no major issues.

14          Q.     Do you know what the inspection consisted  
15 of that is reflected in this document?

16          A.     I'm not that technical, but usually it  
17 says somewhere in the beginning pages. But usually  
18 I forward the information to whoever asks for me  
19 because I was not that technical.

20          Q.     And do you know if -- did you understand  
21 the materials attached to Joel Mendlovic's email on  
22 January 12th to apply to all gloves that you would  
23 purchase from AMCM or just to some specific shipment  
24 or quantity?

25          A.     It's not a clear-cut answer, and I will

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2 explain you why. I understand that this is like a  
3 sample inspection that passed inspection. And the  
4 same applies to all gloves that I'm going to get  
5 from AMCM.

6 But in reality this is a specific  
7 inspection report for a specific either container  
8 or lot number, whatever it says there. But this  
9 is just like a sample. You taking out, let's say,  
10 either a container or a lot, and they take out  
11 samples of it -- I don't know exactly how it  
12 works -- and this is what this inspection report  
13 is about.

14 Q. Okay.

15 And I'm sorry if I already asked you.  
16 How did you come to know Joel Mendlovic?

17 A. The same way I come to know someone else.  
18 He's a guy in my community. I found out about him I  
19 met and we spoke.

20 Q. Did you ever discuss Adorama or Kitchen  
21 Winners with Mr. Mendlovic?

22 A. Explain your question.

23 Q. Sure.

24 Did you ever talk to Mr. Mendlovic  
25 about the fact that you already had a deal to

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2 obtain the same brand gloves through another  
3 company?

4 A. Yes.

5 Q. What was the nature of your discussion?  
6 What did you tell him?

7 A. I cannot say it better the way you said  
8 it. Just that he should be aware that I'm buying  
9 the same MedCare gloves from AMCM that I am already  
10 getting from Kitchen Winners.

11 Q. Do you recall his reaction to you telling  
12 him that?

13 A. No, not especially.

14 Q. Did you have a written agreement with  
15 AMCM for purchase of gloves?

16 A. It was a written agreement. I don't  
17 remember if it was on paper or by email or I don't  
18 --

19 Q. Do you recall the price at which you  
20 purchased gloves from AMCM?

21 A. Not at this time, no.

22 Q. So was your arrangement with Joel  
23 Mendlovic a direct purchase arrangement or a  
24 commission arrangement?

25 A. I don't understand the question.

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2           Q.     Let me ask it this way: Were you paying  
3 directly to Mr. Mendlovic or AMCM for the gloves or  
4 paying another person or entity who then paid a  
5 commission to them?

6           A.     So basically the same idea that I got  
7 gloves from Kitchen Winners, and paying them as  
8 directed by Kitchen Winners. The same way I got  
9 gloves from AMCM and paying either direct AMCM or  
10 their attorney -- I don't remember -- wherever they  
11 directed to send payment. So I got gloves and paid  
12 for it. That's all.

13          Q.     Do you know who Mordechai Hershkowitz is?

14          A.     One of the names working for AMCM.

15          Q.     What about Chaim Mendlovic?

16          A.     So these two, Joel and Chaim Mendlovic,  
17 they are both somehow related and they're both in  
18 the same business at that time for AMCM.

19                 MR. RAKHUNOV: I put Stern 4 into the  
20 final exhibit box.

21                 (Whereupon, an email was marked as  
22 Stern Exhibit 4 for identification, as of  
23 this date.)

24          Q.     Mr. Stern if you could take a look at  
25 that, please.

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2                   MR. RAKHUNOV: For the record, this is  
3                   a two-page document, an email from Joel  
4                   Mendlovic to Mr. Stern, January 13, 2021,  
5                   with an attachment titled Agreement.

6                   A.       Okay.

7                   Q.       Do you see that?

8                   A.       Yes.

9                   Q.       Do you recognize the commission agreement  
10                  on page 2 of Stern 4?

11                  A.       Let me read it and recall.

12                           What's the question?

13                  Q.       Do you recognize the document? Do you  
14                  recall entering into this agreement?

15                  A.       Somewhat. I mean, it was a long time  
16                  ago. Many things were happening since then.

17                           But what's the question?

18                  Q.       Do you see in the second paragraph --  
19                  well, first of all, the first paragraph, this  
20                  agreement is identified as being between three  
21                  individuals and you personally.

22                           Do you see that?

23                  A.       Me personal under a business name, yes?

24                  Q.       What is your understanding of the acronym  
25                  d/b/a?

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2           A.       Doing business as.

3           Q.       Okay.

4                   Do you have any understanding as to  
5 what "doing business as" means?

6           A.       I can tell you what my understanding was.  
7 But I cannot tell you what --

8           Q.       I can only ask you for your  
9 understanding.

10          A.       My understanding that I'm doing the  
11 business under a business name, not on a personal  
12 level. That's the purpose I have written that note  
13 there.

14          Q.       Okay.

15                   So in the second paragraph, do you see  
16 an agreement to sell 300,000 boxes of MedCare  
17 Nitrile exam gloves to Joel Stern with a  
18 commission of 1.95 per box?

19          A.       Yes. This was in the first shipment that  
20 I was supposed to receive through AMCM. They  
21 advised me to send a deposit directly to one of the  
22 companies related to MedCare. I cannot tell you  
23 exactly if -- first of all, I don't remember, but  
24 the name was not MedCare. Either GTS, Global  
25 Tooling or somewhere else, or some attorney or other

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2 third party for the benefit of MedCare.

3 I sent the deposit directly to MedCare.

4 They have not made their profit on this first

5 shipment, but this is what this agreement is for.

6 But they should be covered as soon as their

7 shipment arrived. They should also get paid.

8 After that shipment, I never sent money

9 anywhere else besides to that directly to AMCM.

10 There is no more commission agreements.

11 Q. Okay.

12 And this is January 13, 2021?

13 A. Right.

14 Q. Do you remember shortly after you entered

15 this agreement entering into a non-circumvention

16 non-disclosure and working agreement with Bruno?

17 A. After the initial agreement?

18 Q. Yes.

19 A. I'm sorry. I'm not that good in timing.

20 But around that time, before or during Bruno

21 introduced me to Rock Fintek -- and again, as I

22 explained before, when I was initially introduced to

23 Rock Fintek, I did not have any connection directly

24 to Rock Fintek.

25 In other words, I have no contact



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2 information, no email, no phone number, not to a  
3 company Rock Fintek, not to a personal level to  
4 Tom Kato or Brad Gilling.

5 The only thing I got is an agreement  
6 signed supposedly by these two guys on behalf of  
7 Rock Fintek and I should deliver and get paid.

8 At the same time, Bruno wants to  
9 protect his commission, so we got signed into some  
10 kind of this type of agreement. I don't remember  
11 exactly what it was, but yes, we got some kind of  
12 agreement.

13 **Q. Did that agreement apply to all business**  
14 **that you would do with Rock Fintek for the remainder**  
15 **of whatever business you did with Rock Fintek or was**  
16 **it specific to certain transactions?**

17 MR. FRISCH: Objection.

18 Joel, wait.

19 He's not here for legal conclusions.  
20 And also for an agreement that is not up in  
21 front of him --

22 **Q. You can go ahead and answer.**

23 MR. FRISCH: I'm going to direct him  
24 not to answer, though?

25 MR. RAKHUNOV: On what grounds?

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2                   MR. FRISCH: On the grounds that you're  
3 asking him for legal conclusions he's not  
4 qualified.

5                   MR. RAKHUNOV: But I'm not asking him  
6 for legal conclusions. It's his agreement.  
7 I'm asking him for his understanding of an  
8 agreement that he signed.

9           **Q. Was it your understanding that the**  
10 **non-circumvention agreement that you just testified**  
11 **recalling applied to all transactions with Rock**  
12 **Fintek or just certain ones?**

13           A. At least for that time, for that  
14 transaction that he introduced to me. Other than  
15 that, I don't recall now at the moment.

16                   (Whereupon, an agreement was marked as  
17 Stern Exhibit 5 for identification, as of  
18 this date.)

19           **Q. Take a look at Stern 5 when you get a**  
20 **chance, please.**

21           A. Okay. Okay.

22           **Q. Is this the non-circumvention agreement**  
23 **attached to the January 25th email from Bruno Azra**  
24 **that we just talked about?**

25           A. Seems like.

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2           Q.     Okay.

3                   If you go to page 3 of the document, is  
4   that your signature under -- well, let me actually  
5   ask you: Do you recognize any of these signatures  
6   as yours?

7           A.     Yes.

8           Q.     Which ones?

9           A.     Under my name. But as you see, this was  
10   done through DocuSign, and I don't know how all this  
11   scribble came up, but I guess it was done on a note  
12   pad. I don't know what.

13          Q.     Well, your name appears in a number of  
14   places in the signature block, it seems. Is it the  
15   top right box that's your signature?

16          A.     You know what? You're right. I don't  
17   remember which one is mine. I'm confused.

18          Q.     Take your time.

19          A.     One second. Okay.

20                   The top right one, that's my name and  
21   my email address at that time, so I guess that's  
22   my signature. All the others are not.

23                   As you can see, you can match the names  
24   or the email address with other people referenced  
25   before. You have Joel Lefkowitz. You have email

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1  
2 address starting with dlr858. This is for David  
3 Rubin. And the next one on the right side is the  
4 email address bhhbmmmm which is for Joel Masry.

5 And on the bottom you have the seller  
6 mandate, Bruno Azra. And then we have one more,  
7 and intermediary, which is empty. It's blacked  
8 for me.

9 Q. All right. You can close out of that  
10 one.

11 A. Okay.

12 Q. Do you recall entering into a written  
13 agreement with Adorama or Kitchen Winners or both  
14 for purchase of gloves?

15 A. Yes.

16 Q. Okay.

17 What was the quantity of gloves that  
18 you contracted to purchase from Adorama in  
19 February of 2021?

20 A. Before I answer, I would appreciate  
21 whenever you have a document you're referring to,  
22 first bring up the document. Because there was so  
23 many things happening in such a long time of a few  
24 years, I don't have everything ready in my memory.  
25 So I don't want to catch me something that I said, a

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2 number up or down, by mistake.

3 If you have the document, I would

4 appreciate you bring up the document first.

5 Q. Mr. Stern, let me just tell you this: I

6 completely understand what you're saying and no one

7 is trying to trick you, but I am entitled to ask you

8 questions with respect to what you remember without

9 seeing a document, just like your attorney and other

10 parties' attorneys did at depositions of my client,

11 as they're entitled to do so.

12 No one is trying to trick you, but I do

13 get to ask you a question from your memory. And

14 then if I want to show you a document, I will. I

15 completely understand your concern, but just do

16 your best and we'll get through this.

17 A. Okay. So as long as --

18 MR. FRISCH: Joel, one second.

19 I am going to object to the extent I

20 don't know that the dates being recited are

21 correct by Mr. Rakhunov and we don't

22 necessarily know what agreement he's

23 referring to.

24 But to the extent that you know, you

25 can answer.

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2           A.       Okay. That's great. I will answer to  
3 the best of my memory but don't catch me if  
4 something is by mistake.

5                   Go ahead.

6           Q.       Okay.

7                   Let me ask you this: How many  
8 agreements do you remember entering into with  
9 Adorama and/or Kitchen Winners?

10          A.       At least three.

11          Q.       Okay.

12                   And was the email that we looked at  
13 early, the first one, the informal email  
14 agreement?

15          A.       Should be.

16          Q.       Do you recall your second contract with  
17 Adorama being for any particular quantity of gloves?

18                   MR. SPERBER: Objection to the form.

19          A.       You ask me based off my memory, I will  
20 say a million boxes. But might be wrong. Might be  
21 half. Might be double. I don't remember.

22          Q.       So as you requested, let's take a look --  
23 we're up to Stern 6.

24                   (Whereupon, a contract was marked as  
25 Stern Exhibit 6 for identification, as of

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2           this date.)

3           Q.     In a couple of moments you should have  
4     Stern Exhibit 6. When you open the document, I will  
5     just direct your attention to the very last page of  
6     the document, which is an email that attaches what  
7     comes before it. It just came out in PDF that way.

8                     It's an email, again, that was produced  
9     to us by your counsel. It's dated February 4,  
10    2021, from David Rubin to Hershey Weiner copying  
11    Joel Lefkowitz, you, Jay Samry. The subject is  
12    Contract Kitchen Winners contract to JNS. And it  
13    has an attachment titled 2nd Contract with  
14    adorama\_02032021.

15                    Do you see the email and the document  
16    before you, Mr. Stern?

17           A.     Yes.

18           Q.     All right.

19                    So you can take a look at the entire  
20    document if you would like, but first I want to  
21    ask you a few questions about the cover email and  
22    then questions about the document. But take your  
23    time.

24           A.     What do you want to do first? The  
25    document or the email?

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2           **Q.     First the email. But if you need --**

3           A.     Okay. Go ahead.

4           **Q.     So the email --**

5                   MR. SPERBER: I'm sorry. Stern 6? The  
6           last page?

7                   MR. RAKHUNOV: Yes. It's on the last  
8           page. I will represent to you that is the  
9           email and the attachment as it was produced.

10                  MR. SPERBER: Thank you.

11           **Q.     First of all, do you see an email**  
12 **embedded in the string from Joseph Weiner to Joel**  
13 **Lefkowitz cc'ing Mendel Banon?**

14           A.     Yes.

15           **Q.     Is Joseph Weiner the same person as**  
16 **Hershey Weiner?**

17           A.     Yes.

18           **Q.     Do you know who Mendel Banon is?**

19           A.     No.

20           **Q.     You don't know who he is?**

21           A.     All I know is that he worked for or with  
22 Hershey Weiner and Kitchen Winners.

23           **Q.     Have you ever spoken with Mendel Banon**  
24 **about glove transactions?**

25           A.     To the best of my memory, I've never



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2 spoke with him.

3 Q. Okay.

4 So on Tuesday, February 2nd, it looks  
5 like Joel Lefkowitz forwards the January 27th  
6 email to someone. And then on February 4th, David  
7 Rubin forwards the contracts to you and Mr. Weiner  
8 and others.

9 Do you see that?

10 A. Yes.

11 Q. So in the email where Hershey Weiner  
12 writes Yoely, please review -- Yoely is just a  
13 nickname for Joel, correct?

14 A. Correct.

15 Q. So when he writes "to customer," do you  
16 have an understanding who the customer is in this  
17 email exchange?

18 A. JNS.

19 Q. Okay.

20 So you're buying gloves from them,  
21 correct?

22 A. Correct.

23 Q. Okay.

24 And then why is David Rubin sending the  
25 signed contract around to Mr. Weiner and others?

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2           A.       Exactly why, I cannot say for sure. I  
3     can give you one example that maybe we have met in  
4     David Rubin's office and sign it, upload it, and  
5     send it through his email. That's one possible  
6     cause, but I'm not 100 percent sure.

7                     But basically you have the whole  
8     picture that might prevent many questions that you  
9     have prepared or asked before. As you see here,  
10    the chain that Joseph Weiner is sending this email  
11    with the subject of Kitchen Winners contract to  
12    JNS.

13                    So we have a Joseph Weiner acting as  
14    Kitchen Winners sending a contract to JNS but --  
15    not sending it to JNS. Sending it to his  
16    colleague or coworker Joel Lefkowitz to review;  
17    Mendel Banon, which I have never been on a  
18    personal level connected. I just see his name on  
19    the emails. So he somehow was working for Joseph  
20    Weiner. I have no idea what.

21                    So this first initial email is Hershey  
22    or Joseph Weiner sending to Joel Lefkowitz to  
23    review then send it to the customer.

24                    Joel Lefkowitz was sending this email  
25    then maybe to me or David Rubin or one of the

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2 group to get it signed and sent back. And then --  
3 so this is where Joel Lefkowitz forwarded it to  
4 one of us.

5 Then we have David Rubin send this back  
6 to Hershey Weiner sign. This is the full picture  
7 that is here.

8 Any questions?

9 Q. Absolutely.

10 So do you see Mr. Rubin writes: You  
11 will have the 1.5m by tomorrow iyh?

12 1.5m, that refers to \$1.5 million; is  
13 that correct?

14 A. Yes.

15 Q. What does iyh stand for?

16 A. It's an abbreviation. It's a Hebrew  
17 word, not an English word. And the definition of  
18 this word means with God's help, and Im Yirtzeh  
19 Hashem if you know Hebrew.

20 Q. Mr. Stern, if you go up to page 8, which  
21 is the last page of the document, is that your  
22 signature?

23 A. Yes.

24 Q. Okay.

25 So now we can go to the top of the

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2 document, which is the attachment, Sales and  
3 Purchase Agreement.

4 Do you know who drafted this document,  
5 like who prepared it?

6 A. It was prepared by or for Kitchen  
7 Winners, so I don't know.

8 Q. You didn't draft it?

9 A. No.

10 Q. Okay.

11 If we go under the purchase and sale  
12 paragraph 1 of the agreement -- do you see that,  
13 the description under product?

14 A. Yes.

15 Q. -- what product did you contract to buy  
16 from Adorama, Kitchen Winners?

17 A. Nitrile gloves, 100 gloves per tissue  
18 box, color blue for medical exam grade with FDA  
19 510(k).

20 Q. Do you have an understanding as to what  
21 FDA 510(k) means in this contract?

22 A. Not technical details exactly what it is.  
23 But the certain qualification is being called and  
24 controlled by the FDA, which is called 510(k).

25 Q. Okay.

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2 Under payment terms, the unit price is  
3 11.50 per box, correct?

4 A. Correct.

5 Q. Were all of the gloves subject to this  
6 sales and purchase agreement to be sold to Rock  
7 Fintek?

8 A. No.

9 Q. Do you know what portion of the gloves  
10 subject to this agreement were sold to Rock Fintek?

11 A. No.

12 Q. Under paragraph 2, Payment Terms, do you  
13 see there's a requirement that within 24 hours of  
14 signing this agreement buyer shall wire to an  
15 account designated by seller the sum of \$1.5 million  
16 to deposit?

17 Do you see that?

18 A. Okay.

19 Q. And that's the 1.5 million that was  
20 referenced by David Rubin in the email attaching  
21 this agreement, correct?

22 A. Obviously, yes.

23 Q. Do you know what account, bank account  
24 that \$1.5 million came from?

25 A. As far as I remember, it was JNS.

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2           Q.     Where did the funds necessary to fund  
3 this contract come from?

4           A.     Investors.

5           Q.     Okay.

6                   And again, these are investors that you  
7 testified earlier you don't remember the names of?

8           A.     Correct.

9           Q.     You don't remember a single investor  
10 name?

11          A.     I don't remember at the moment, no.

12          Q.     Where could you look other than the  
13 handwritten notes that you described earlier to  
14 refresh your recollection as to the names of these  
15 investors who funded your glove purchases?

16          A.     I'm not sure. I have to look into that.

17          Q.     Okay.

18                   Is there a place you could look to find  
19 that information?

20          A.     As I said, I have to look into that and  
21 figure it out. I don't know.

22          Q.     I am going to ask that you do figure it  
23 out and we're going to follow up with a formal  
24 request to your attorney.

25                   MR. FRISCH: We will respond when that

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2 happens.

3 Q. So of the million boxes of gloves subject  
4 to this contract, I think you just testified that  
5 you did not believe all were going to Rock Fintek,  
6 but I want to be clear.

7 Do you know if -- any of the gloves you  
8 purchased under the sales and purchase agreement  
9 before you, did any of them go to Rock Fintek?

10 A. Possible. I don't -- I don't -- I'm not  
11 prepared with the exact control which one was going  
12 where.

13 In other words, this contract is  
14 nothing related to Rock Fintek. It was not  
15 purchased for selling to Rock Fintek, and Rock  
16 Fintek was not the purpose to get just rid of this  
17 contract.

18 This is just a contract to buy stock  
19 available to sell, and Rock Fintek is one of the  
20 customers that I was trying to sell my stock.

21 So from my perspective, I have no  
22 relation from contract 1 or contract 2, which one  
23 goes there, which one goes there. It's all the  
24 same. And that's all.

25 What else?

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2 Q. Okay.

3 And other than AMCM and Adorama and  
4 Kitchen Winners, what other sources of MedCare  
5 gloves did you have during the time that you did  
6 business with Rock Fintek in 2020 and 2014?

7 MR. SPERBER: Objection to the form.

8 A. In reality, none.

9 Q. So it was just the sources I --

10 A. Just these two sources, correct.

11 Q. Okay.

12 Earlier this morning you testified  
13 about a list of the clients that you could  
14 remember, and all of those clients would have  
15 received gloves sourced from either AMCM or  
16 Adorama and Kitchen Winners, correct?

17 A. From me --

18 MR. SPERBER: Objection to the form.

19 A. -- yes.

20 Q. And by the way, do you know where AMCM  
21 obtained its MedCare gloves?

22 A. No.

23 Q. So you don't know if they obtained them  
24 directly from the manufacturer or through another  
25 intermediary?



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2           A.       What they said was directly from the  
3 manufacturer. But you ask me if I know, I cannot  
4 testify something I have no idea.

5           Q.       Okay. All right.

6                    If you go to page -- let's look at  
7 paragraph 2b.

8                    Do you see on the right-hand side  
9 there's some handwriting? It appears to say "with  
10 inspection report," if I'm reading the handwriting  
11 correctly.

12           A.       Yes.

13           Q.       Is that your handwriting?

14           A.       Possible.

15           Q.       Okay.

16                    And do you see there's a little  
17 asterisk next to the bill of lading?

18           A.       Yes.

19           Q.       Do you recall inserting this language  
20 into the contract?

21           A.       Yes.

22           Q.       Why did you add the requirement of an  
23 inspection report next to bill of lading?

24           A.       Because the customers I was dealing with  
25 at that time, all them requesting and inspection

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2 report. Without a passed inspection report, they  
3 wasn't willing to accept the goods.

4 Q. You wanted to know what gloves you were  
5 getting, right?

6 A. The inspection report is not a matter of  
7 the type of gloves I'm getting. Even though I'm  
8 getting Nitrile examination gloves, blue color with  
9 all the terms that was requested before, there is  
10 still an official inspection that might be best  
11 or -- I don't remember how they call something that  
12 didn't pass inspection, or not passed.

13 So I had to make sure that this is  
14 something that passed inspection for these  
15 customers other than Rock Fintek.

16 Q. And as you sit here today, in 2020 and  
17 2021, what percentage of all glove sales that you  
18 made were made to Rock Fintek as opposed to other  
19 customers of yours?

20 A. A global picture?

21 Q. Yes.

22 A. All of my gloves, I don't remember. But  
23 more than 10 percent. If it's 10, 15, 20, I don't  
24 remember.

25 Q. Okay.

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2 But it's not more than 20 percent, in  
3 your estimate?

4 A. I'm comfortable to say so, yes.

5 Q. Okay.

6 When did you stop selling gloves to  
7 anyone? Like when did you exit the glove business  
8 all together?

9 A. I don't remember offhand exact date. And  
10 I'm not sure what it is related to this. But to the  
11 best of my memory, I would say like -- what's now?  
12 October 2023 -- somewhere in the middle of 2022. I  
13 don't remember dates. I'm sorry.

14 Q. No need to apologize.

15 So let's go back up to purchase and  
16 sale, paragraph 1.

17 The unit price for the million gloves  
18 was 11.50 a box, correct?

19 A. Correct.

20 Q. And if you go down to page 7 of the  
21 document that has a heading Side Agreement. When  
22 you get there, look at paragraph 2, Purchase Price,  
23 and let me know if I'm reading this correctly:  
24 Notwithstanding anything to the contrary contained  
25 in the PSA, the purchase price for the order shall

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2 be \$11.25 per box.

3 Did I read that correctly?

4 A. Yes.

5 Q. So why did you enter into a side  
6 agreement that appears to modify the purchase price  
7 in the purchase agreement all dated the same day?

8 A. Explain your question.

9 Q. Well, you have an agreement and a side  
10 agreement dated the same day.

11 Are we on the same page so far?

12 A. Yes.

13 Q. The agreement calls for \$11.50 per box,  
14 correct?

15 A. Yes.

16 Q. And then the side agreement modifies that  
17 to \$11.25 per box, correct?

18 A. Right.

19 Q. Why is there a separate agreement as  
20 opposed to just putting \$11.25 in the original  
21 agreement?

22 A. So I don't remember all the details,  
23 whether some conditions based on that conditions  
24 will change the price. In other words, the official  
25 price is still 11.50. And based on certain

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2 conditions, price will drop or let's call it like  
3 getting a discount to 11.25. And I don't remember  
4 the details yet. I'm sorry.

5 **Q. Are these conditions identified in the**  
6 **side agreement?**

7 A. I'll have to pay attention and read over  
8 the whole contract and the whole side agreement to  
9 refresh my memory.

10 **Q. Please go ahead.**

11 A. Didn't say all the details there, no.

12 **Q. Does it have any of the conditions in**  
13 **there?**

14 A. It has some of the conditions that you  
15 can read for yourself. It says --

16 **Q. Under what condition does the price drop**  
17 **from 11.50 to 11.25 per box? Help me understand,**  
18 **please.**

19 A. I'll start from the other side, and I'll  
20 try to get to the second part.

21 So the first part is that the price we  
22 pay and the dollar amount that I had to wire that  
23 time was based on the price of 11.50, and that's  
24 calculated to 1.5 as initial deposit.

25 And this price on the side agreement

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2 was based on certain conditions that we can both  
3 help each other with the business of selling PPE.

4 I don't remember or recall all the  
5 conditions, but some example is, for example, a  
6 customer that we can refer to Kitchen Winners or  
7 the opposite or -- I don't remember all the  
8 details behind.

9 But based on these conditions, once  
10 this goes through and we get paid, the price will  
11 drop. When this will go into reality is when it  
12 comes to pay the balance. If all these conditions  
13 will happen, the price will drop and in reality,  
14 this would make a difference when it comes for me  
15 to pay the balance to Kitchen Winners.

16 But at that time, all the numbers  
17 was -- I was dealing with was on the original  
18 price of 11.50.

19 Q. So what I'm understanding from your  
20 testimony is that there were conditions tied to the  
21 reduction of the price that are not listed in this  
22 written agreement?

23 A. Possible.

24 Q. And you cannot point me to another  
25 writing that contains those conditions?

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2           A.       Not only that. I cannot recall the  
3 details of what type of conditions.

4           Q.       So regardless of whether the price  
5 ultimately was 11.50 or 11.25, do you recall how  
6 much you sold this million boxes of gloves for to  
7 your clients?

8           A.       No.

9           Q.       How would we find out that information?

10          A.       Let me explain you something, if you  
11 don't mind. Probably you're coming from a totally  
12 different background in your mind that you're  
13 expecting.

14                   I was an employee by a company, not a  
15 business owner in PPE. As I said before, I was  
16 usually most of my time in accounting field. When  
17 we got in this business, we didn't form a  
18 professional business setup, you know, with the  
19 whole team of bookkeepers and secretaries and  
20 office and customer service.

21                   It was just like a one-man band.  
22 Remember the few people that you have seen before,  
23 the Joel Lefkowitz, David Rubin, Joel Masry, Me.  
24 We connected with Kitchen Winners to buy the  
25 specific gloves that was so much needed at that

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2 time of COVID. And the same way I tried to  
3 connect to customers to sell them for a profit.

4 Now you ask me for information -- this  
5 is not like a business with files and records and  
6 computer systems. It was done on a primitive --  
7 on a personal level, buy and sell and get paid and  
8 it's over.

9 So you ask me now how I can go back. I  
10 don't know. It's a lot of work to figure out and  
11 go back and look up all the customers.

12 Q. Mr. Stern, I assure you I know because  
13 we've done that work on our end.

14 So was this a cash business or were  
15 transactions made by either by wire transfers or  
16 other --

17 A. No cash at all.

18 Q. You testified that other than that first  
19 Blink transaction, you used a bank account belonging  
20 to JNS Capital Holdings, correct?

21 A. Correct.

22 Q. So it would be fair that -- I would be  
23 reasonable to believe that a review of your bank  
24 records would show you what you paid for these  
25 gloves during a certain time period and what you



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2 received for the gloves by wire transfers from  
3 various clients? Is that fair?

4 A. To your surprise, absolutely not.  
5 Because a wire amount doesn't say how much I pay for  
6 gloves and how much gloves I got.

7 Q. But a wire identifies to whom or from  
8 whom the money is being sent, correct?

9 A. Correct. But doesn't say how many gloves  
10 you got, how much you paid.

11 Q. Well, of course it says how much you  
12 paid. It's a wire transfer.

13 A. How much you paid for the total wire,  
14 yes, but not how much you paid per gloves. You  
15 asked me how much I paid per box of gloves. It  
16 doesn't say --

17 Q. And I'm not trying to argue with you, but  
18 you're a bookkeeper and you deal with financial  
19 transactions in your professional life, correct?

20 A. Correct.

21 Q. And we have an agreement before us that  
22 specifies a price for gloves and promises a wire  
23 transfer the following day, correct?

24 A. Correct.

25 Q. So if we were to looking at JNS Capital's

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2 bank account, we would see a wire transfer on  
3 February --

4 A. But look --

5 Q. -- 4th of \$1.5 million, correct?

6 A. So when you take this particular wire,  
7 for example, and you look in the contract here,  
8 which has backup paper, this was a certain percent  
9 deposit.

10 I don't remember what. 13 percent is  
11 what it says there. Yeah. 13 percent,  
12 approximate, of the project. When you look at the  
13 bank, 1.5 million, it doesn't say anything.  
14 Doesn't say a percentage. Doesn't say how many  
15 gloves you get. Doesn't say if this is a payment  
16 in full or this is a good faith deposit or some  
17 certain percent.

18 So how do you want me from an amount to  
19 the bank to figure out how many gloves I got and  
20 how much I paid for that?

21 Q. Right.

22 You're looking at the Exhibit 6 right  
23 now, correct? The 13 percent?

24 A. Yes.

25 Q. Do you have your bank account statement

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2 open by any chance?

3 A. No.

4 Q. Okay.

5 And that was exactly my question,  
6 Mr. Stern. If you're just looking at the bank  
7 records together with the contracts, you can put  
8 the information together.

9 A. Not so easily, no.

10 Q. Okay.

11 And when you sold gloves to your  
12 clients, whether it was Rock Fintek or someone  
13 else, you sent invoices, correct?

14 A. Correct.

15 Q. And the invoices had wire transfer  
16 information on them, correct?

17 A. Correct. Most of the time.

18 Q. And the clients wired you payment for the  
19 gloves, correct?

20 A. Yes.

21 Q. Okay.

22 And how did you generate those  
23 invoices? Did you use an accounting system or --

24 A. No. I used a free app at that time. It  
25 was available, some app.

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2 Q. Do you know what that app is?

3 A. I have to look it up. I'm sorry. Unless  
4 it's noted on the invoices.

5 Q. I'm going to ask you to look back at that  
6 app and to pull together the records of all invoices  
7 related to glove sales during 2020 and 2021. And to  
8 the extent that they're already preserved, preserve  
9 those records and we will make a follow-up request  
10 to your attorney.

11 A. Okay.

12 Q. So generally speaking, the 1 million  
13 gloves that you purchased pursuant to Exhibit Stern  
14 6, do you recall what level of profit you and your  
15 partners made from those gloves?

16 A. I didn't end up making a profit, so --  
17 you're asking about the markup or profit?

18 Q. Let's start with the markup. What markup  
19 did you apply -- did you sell those gloves at?

20 A. I believe I sent you all the invoices.  
21 If you want to bring up one of the invoices, you  
22 have the prices are there. Because there was not  
23 one price fits all. At the beginning it was one  
24 price. Later on a different price. And then the  
25 price start to drop. So I don't remember offhand.

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2 But we were trying to get the best we  
3 could at that time. As you see, I paid 11.50. On  
4 top of it, I paid for logistics. I have many  
5 people that you have to pay for commissions,  
6 starting from Bruno and then our partners, Joel  
7 Lefkowitz, and expenses was high-racking. I was  
8 trying to make a profit.

9 Q. Do you recall selling gloves to Rock  
10 Fintek at \$15 a box?

11 A. That makes sense.

12 Q. And were those gloves that you paid 11 --  
13 (Simultaneous crosstalk.)

14 A. On the previous ICPO, I believe it was  
15 noted \$15 a box.

16 Q. Right.

17 And were those gloves that you paid  
18 11.50 for?

19 A. Possible.

20 Q. Okay.

21 By the way, did you receive that \$.25  
22 rebate or discount, however you want to frame it,  
23 under the side agreement?

24 A. I don't remember if I got it at the end.

25 Q. How would you find out?

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2           A.       Again, this is -- it was so many problems  
3       here when it came -- and the prices dropped. During  
4       a period of time everyone was trying to get gloves  
5       got a hard time. And many people tried to bring in  
6       gloves and they all stuck in logistics with these  
7       type of problems that I have explained before.

8                   First of all, just to get an empty  
9       container to stock these boxes was a problem.  
10      Then getting a shipping company, getting a vessel,  
11      getting them out of the port. So many issues at  
12      that time, if you remember, if you call back.

13                  So let's for the conversation's sake  
14      pick a date. So let's say that around April, May,  
15      or maybe June of 2021, everything got more or less  
16      back in order. It was not the best, but suddenly  
17      million boxes of gloves flooded the United States.

18                  First of all, the better-quality  
19      gloves, the brand-name gloves got back into stock.  
20      And second of all, let's put aside the issue of a  
21      brand name. Just you got overflow to the United  
22      States with gloves. Even by now there's still  
23      some leftover stock.

24                  So the price dropped. No one needed  
25      anymore and everything got -- everyone in that

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2 line got into trouble.

3

So ask me questions of something that  
4 was so many obstacles and so many issues to deal  
5 with, that's why we gave it up, end the business.

6

**Q. At that time in February of 2021, it's**  
7 **correct that you were using the services of Avrio**  
8 **Logistics, correct?**

9

A. Yes.

10

**Q. Do you remember dealing with someone**  
11 **named Don Alston?**

12

A. Sure.

13

**Q. Who was Don?**

14

A. He was my contact with for the logistic  
15 service by Avrio and another name that you might  
16 come on soon. And basically there were two  
17 companies that Don was working together with. Avrio  
18 is one name. I don't remember the other name.

19

One is more of the warehousing part.  
20 Another one is more of the shipping and trucking  
21 part and they both work together.

22

**Q. And Avrio Logistics invoiced you for**  
23 **whatever services they provided for you?**

24

A. Correct.

25

**Q. And you paid for those services, right?**

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2 A. Yes.

3 Q. And do you recall what some of those  
4 services were? Forget the trucking. Inside the  
5 warehouse.

6 A. Generally it's -- besides trucking is  
7 warehousing. What else?

8 Q. Well, for example, did they charge you  
9 extra for overtime labor?

10 A. One time, yes.

11 Q. Okay.

12 A. At least one time.

13 Q. Did they charge you specifically to  
14 palletize and shrinkwrap boxes of gloves?

15 A. Yes.

16 Q. Did they charge you to sort pallets of  
17 gloves?

18 A. They charged for every service provided.  
19 They are not working for free, and they didn't do  
20 any favors for me. I mean, they were nice people  
21 but they're in business.

22 Q. Understood?

23 A. Sometimes they describe their services in  
24 the billing and sometimes was just arranged verbally  
25 and a fixed price for the services provided. It's



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2 the same as any other public warehouse. It's not my  
3 own warehouse. It's not my own people. And they  
4 willing to help me with whatever I need as long as  
5 they can provide it and get paid for.

6 Q. Did you ever ask them to print labels for  
7 gloves?

8 A. No.

9 MR. RAKHUNOV: Let's take a break.

10 (Whereupon, there was a pause in the  
11 proceeding.)

12 Q. Mr. Stern, I put a few new exhibits into  
13 the final exhibit folder, Stern 7, 8, and 9.

14 (Whereupon, three documents were marked  
15 as Stern Exhibits 7,8, and 9 for  
16 identification, as of this date.)

17 Q. Can you go to Exhibit 9 first. Open that  
18 up.

19 A. Okay.

20 Q. Exhibit 9, for the record, is again a  
21 document produced by your attorney. It's an email  
22 from Stephanie Marcano, M-A-R-C-A-N-O, who is a  
23 customer service representative at Avrio Logistics.  
24 It's to you copying Don Alston with an attachment of  
25 an invoice on February 11, 2021.

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2 Do you see that?

3 A. Yes.

4 Q. If you go to page 2, do you recognize the  
5 invoice sent from Avrio Logistics?

6 A. Yes.

7 Q. Is that what an invoice from Avrio  
8 Logistics typically looks like?

9 A. Yes.

10 Q. Do you see the invoice is addressed to  
11 JNS Services Corp. and Hershey Weiner?

12 Do you see that?

13 A. Yes.

14 Q. Do you know why JNS Services Corp. and  
15 Hershey Weiner are being billed for -- by Avrio  
16 Logistics?

17 A. It's probably a mistake.

18 Q. Okay.

19 Do you know if Hershey Weiner also used  
20 Avrio Logistics for glove-related services?

21 A. Yes. So I got referred to Avrio  
22 Logistics, I believe, by Hershey Weiner. And when I  
23 requested a service from Avrio, they got confused  
24 and they thought in the beginning that me and  
25 Hershey Weiner were the same thing, especially that

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2 we were both having the same type of product.

3

4 So that's how they got confused and  
5 they thought that Hershey Weiner and me were the  
6 same team. But in reality it's just a mistake. I  
7 remember calling them and saying that. I don't  
8 remember if they fixed it or not. I don't  
9 remember.

9 **Q. The services described in the invoice, do**  
10 **you know what the word drayage, D-R-A-Y-A-G-E,**  
11 **means?**

12 A. I'm not sure, but you can Google it. My  
13 understanding is this is the service of either  
14 picking up a container or removing a container from  
15 the truck. Some of these services.

16 **Q. And then palletize and shrinkwrap, 41**  
17 **quantity.**

18 **What do you understand that portion of**  
19 **the invoice to mean?**

20 A. The product came in without pallets, just  
21 stuff, the container with boxes from one end to  
22 another. And in order to keep them in a warehouse,  
23 you cannot pick up each individual box individually.

24 So therefore they have to pack the  
25 cartons on pallets shrinkwrapped so they can

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1  
2 manage in the warehouse facility.

3 Q. Okay.

4 But when the products arrived in  
5 containers -- I want to make sure I understand  
6 your testimony -- the containers had -- do you  
7 know how many cartons of gloves in any container?

8 A. On average, it was like 3,000 cartons.

9 Q. Okay.

10 And they were loose? They were not  
11 shrinkwrapped or --

12 A. Loose cartons. Each carton consists of  
13 ten tissue boxes, meaning the size of a tissue box,  
14 and 100 gloves per box.

15 Q. Okay.

16 And one of the services that Avrio  
17 Logistics provided for you would be to sort and  
18 palletize and shrinkwrap those boxes onto pallets,  
19 correct?

20 A. Correct. And let me explain what sort  
21 mean, because the same way you got a container  
22 filled with individual cartons, there's size mix,  
23 small, large, medium, so they difference the  
24 different sizes on separate pallets.

25 Q. Is it your testimony that the sorting

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2 here refers solely to sorting by size or something  
3 else?

4 A. By size.

5 Q. Why was it important to sort by size?

6 A. Because most customers requested  
7 particular size mix. It was called to that time  
8 average size mix and then some customers required  
9 the special size mix. They want that quantity of  
10 this size and this quantity of that size, so we have  
11 to keep them separate by size.

12 Q. Do you recall, sitting here today, what  
13 Rock Fintek required with respect to the size mixes?

14 A. Average size mix.

15 Q. Okay.

16 Let me direct your attention to what's  
17 been marked as Stern 7.

18 A. Okay.

19 Q. This is again an email from Don Alston to  
20 you February 11, 2021, subject 3 truck. And page 2  
21 is a PDF document attached to the email.

22 Take a look at the email and the  
23 attachment. And, by the way, you can -- in the  
24 document viewer, there's a little gear symbol to  
25 the top left that allows you to rotate it.

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2                   And my question, once you look, will be  
3 do you recognize the document attached as --

4           A.     Yes.

5           Q.     Okay.

6                   What is it?

7           A.     This is what they called the tally sheet.  
8 You see at the top of the sheet, Inbound Tally.

9           Q.     And what is your understanding of what  
10 Caravan Inc., refers to?

11          A.     That's the second name I couldn't recall  
12 earlier.

13          Q.     And that's a carrier, like a trucking  
14 company?

15          A.     That's -- I don't remember which one is  
16 what. But one name was used for the trucking and  
17 shipping logistic services and the other name was  
18 used for the warehouse services.

19                   So we have Caravan and we have Avrio.

20          Q.     Do you know who filled out this tally,  
21 who prepared the attachment?

22          A.     Someone from the warehouse.

23          Q.     Okay.

24                   This inbound tally represents the  
25 products that you received at the warehouse that

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2 you would then be able to sell to your clients,  
3 correct?

4 A. Correct.

5 Q. Okay.

6 And do you see near the top right a  
7 container number that's handwritten in there?

8 A. Yes.

9 Q. Okay.

10 And that container number on this  
11 particular tally is TCNU5168672 with a load date  
12 of 2/11/21, correct?

13 A. Correct.

14 Q. And is it -- I'm sorry.

15 And then the columns below describe  
16 what was in the container, what was expected to be  
17 in the container and what was actually in the  
18 container, correct?

19 A. Yes.

20 Q. So let me ask you about the first column,  
21 the Quantity Expected. What is your understanding  
22 of what that number means? Who is expecting that  
23 quantity?

24 A. I guess this number comes from the bill  
25 of lading. When any shipment comes by vessel or by

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2 any other means, it's being shipped together with a  
3 bill of lading stating the quantity and the product  
4 inside this shipping container or box.

5 And on the bill of lading, there's  
6 quantities and sizes of what was shipped and this  
7 is where it was received. So to reconcile the  
8 numbers are matching up, this was counted, as you  
9 see, of individual boxes.

10 **Q. When you say boxes, you mean cartons,**  
11 **correct?**

12 A. I'm sorry. No. What you see here is  
13 counted the pallets. 56 cartons on a pallet, as far  
14 as my understanding.

15 **Q. Okay.**

16 A. And each pallet has a box on the right  
17 side. Do you 56, 56, 56, and 10. There's 10  
18 leftover pieces that didn't fill up a full pallet of  
19 that particular size. That gives a total of 178.

20 **Q. Okay.**

21 A. So this particular case, they expected  
22 800 of this product line and this size and finding  
23 178.

24 **Q. 800 or maybe -- the handwriting is not**  
25 **perfect. Maybe even 300.**



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2 A. Yeah. 300.

3 Q. So they're expecting 300 cartons of small  
4 Nitrile examination gloves. And it looks like they  
5 got 178, correct?

6 A. Correct.

7 Q. In the container that has a specific  
8 number on there, 1,200 cartons of medium Nitrile  
9 examination gloves --

10 A. Right.

11 Q. -- and there were actually 450. 1,200  
12 Nitrile examination gloves large, 1051 and extra  
13 large 988.

14 Do you see the bottom line says Mixed  
15 Inspection? Do you know what that means?

16 A. There were some cartons that the sizes  
17 were mixed up and we had to manually repackage them,  
18 take them out of the carton, sort them by size and  
19 repackage them.

20 Q. So when you say manually repackage, you  
21 actually opened up the cartons and somebody at the  
22 warehouse actually pulled tissue boxes out of the  
23 cartons and repackaged them? Correct?

24 A. Correct. And this is what triggered  
25 extra labor, one example.

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2           Q.     And did you use the existing cartons for  
3 repackaging or did you have new cartons? How did  
4 that work?

5           A.     No. Existing cartons.

6           Q.     So they would repackage them and retape  
7 them?

8           A.     Correct.

9           Q.     Reseal them? Okay.

10          A.     The same as we were working hard in the  
11 United States during COVID, these manufacturing was  
12 overwhelming busy producing and shipping gloves.

13                   And when it comes to package these  
14 containers, sometimes they just couldn't manage or  
15 handle or was short on manpower and these mistakes  
16 happen, as you see this tally.

17                   We were expecting one thing and we got  
18 a little different sizing. And some cartons were  
19 mixed up, a few sizes packed in the same carton.

20          Q.     So let's look at Stern 8. And again,  
21 it's -- you'll need to adjust the orientation. But  
22 this is, for the record, a February 11, 2021, email  
23 from Don Alston to you attaching a POD.

24                   Is it your understanding that POD  
25 stands for proof of delivery?

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2 A. Yes.

3 Q. So take a look at this two-page document.

4 And this looks like a similar inbound tally to what  
5 we just looked at, correct?

6 A. Correct.

7 Q. Different container number, right?

8 A. Right.

9 Q. It's a scan, so the load date is not  
10 entirely clear, but certainly within February of  
11 2021.

12 A. Correct.

13 Q. Can't tell if that's 10 or 16.

14 Do you see in this particular tally,  
15 the gloves are described as Nitrile gloves, not  
16 Nitrile examination gloves? Do you see that?

17 A. Yes.

18 Q. Do you have an understanding as to why  
19 they're referred to as Nitrile gloves and not  
20 Nitrile examination gloves?

21 MR. FRISCH: Objection.

22 A. I don't think that this is something on  
23 purpose left out the word. Just since they were  
24 dealing with all the same, they shortened the  
25 description because we understand what we're dealing

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2 with.

3 Q. How do you know that? What is the basis  
4 for this testimony?

5 A. Because first of all, as I said before  
6 and I will repeat it again, each and every time I  
7 received a delivery or directed to send out to a  
8 customer, I made sure to have a verbal phone call  
9 with these people, including Don Alston or sometimes  
10 spoke with another party in the warehouse, and asked  
11 them please double-check, make sure that the goods  
12 are received as Nitrile examination gloves.

13 And the same thing was sent out even  
14 though I knew for a fact I didn't have any other  
15 gloves than Nitrile examination gloves. But I  
16 also knew that in the same warehouse, other  
17 people, other companies stored gloves, and I  
18 wanted to make sure that they didn't mix up  
19 anything.

20 Q. And when you received this inbound tally,  
21 were you concerned that the gloves were incorrect  
22 once? Because like the one we just look at within a  
23 day or so had "examination" and this one didn't have  
24 the word "examination" on them?

25 A. No, not at all. Because the beginning of

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2 the time when the gloves came to New Jersey, I drive  
3 down to New Jersey a few times -- not that far from  
4 New York -- and I personal inspected my lot and they  
5 all said Nitrile examination gloves.

6 Q. Okay.

7 Do you see the very bottom row? It  
8 seems to say an asterisk and it says reworked 7PLT  
9 marked incorrect, full inspection?

10 Do you see that?

11 A. Yes.

12 Q. Do you know what that means?

13 A. PLT means pallets. And marked incorrect,  
14 as far as my memory goes, is probably the same  
15 problem, the size mixing or the size mixed up.  
16 Either the wrong size in the wrong box. Box that is  
17 labeled small has ten large instead of small. All  
18 the sizes mixed up. The same box has some large,  
19 some small, some medium.

20 As you can see, this tally sheet had  
21 adjustments in the far right corner plus, minus.  
22 That's probably part of the adjustment after they  
23 went through the incorrect labeled boxes and  
24 cartons.

25 Q. And it's your testimony that this still

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2 continues to refer to Nitrile examination gloves,  
3 this tally sheet?

4 A. Yes.

5 Q. So Stern 10 should be in the file  
6 exhibits.

7 (Whereupon, an email was marked as  
8 Stern Exhibit 10 for identification, as of  
9 this date.)

10 Q. It's a February 10, 2021, 2:57 p.m. email  
11 from you to Don Alston with a subject mixed  
12 packages.

13 Let me know once you get it. And my  
14 question is: What are you referring to here when  
15 you write "how many boxes is mixed packaged and  
16 how much would you charge to repackage them"?

17 A. Again, based on my memory, it's the same  
18 that we just spoke about. The size mix, they're not  
19 correct and we had to repackage the cartons to match  
20 what's inside or they have the same size in the  
21 carton.

22 Q. So the goods that you were receiving from  
23 AMCM and from Kitchen Winners and Adorama were all  
24 Nitrile examination gloves? Is that your testimony?

25 A. To the best of my knowledge, yeah. And

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2 again, I had not inspected all of them personally.

3 But based on the information received from the

4 warehouse people and the logistics company, this is

5 what I got.

6 Q. Did you ever receive information directly  
7 from Joel Lefkowitz or Hershey Weiner with packing  
8 lists or the like that show the contents of the  
9 product being shipped to you?

10 A. I don't remember that, no. But I  
11 remember the bill of lading showing either container  
12 numbers, dates with quantities I would see, but not  
13 pictures of the content that's in there.

14 Q. What about descriptions rather than  
15 pictures? Do you remember seeing that? Something  
16 more detailed than you would see in the bill of  
17 lading.

18 A. No. Just the same wording, Nitrile  
19 gloves or Nitrile examination gloves. And at that  
20 time they all referred to the same Nitrile  
21 examination gloves.

22 It was just like a matter of short  
23 writing. Instead of writing another word all the  
24 time, we know it refers to the same thing.

25 Q. All right.

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By the way, when you would obtain gloves through Mr. Lefkowitz and Weiner, presumably they invoiced you for those gloves, correct?

A. Sure.

Q. Sure.

All right. I just published Stern 11 into the exhibit folder.

(Whereupon, an email was marked as Stern Exhibit 11 for identification, as of this date.)

Q. Let me know once you have that.

MR. RAKHUNOV: For the record, Stern 11 is an email from Joel Lefkowitz to you and David Rubin and Jay Samry, subject forward JNS invoice. And it has three attachments which are included in the document below the email.

Q. Take a look through this document.

MR. FRISCH: I'm not seeing it.

MR. RAKHUNOV: Maybe just refresh.

MR. FRISCH: I have refreshed like seven times.

MR. RAKHUNOV: Stern 11?



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2 THE WITNESS: It's not going by order.

3 You have to reorder it.

4 MR. RAKHUNOV: Yes.

5 MR. FRISCH: I found it.

6 Q. Do you recognize this email and the  
7 attachments to it?

8 A. Okay.

9 Q. Do you recognize this document,  
10 Mr. Stern?

11 A. Yes.

12 Q. This is your email in the "to" field,  
13 correct?

14 A. Okay.

15 Q. Okay.

16 And if you look at page 2 of the  
17 document, you see title Packing List, Kitchen  
18 Winners NY.

19 Do you see that?

20 A. Yes.

21 Q. And the date on the right is 2/8/2021,  
22 and it's to JNS in red letters, correct?

23 A. Yes.

24 Q. And the production name under the second  
25 column is non-sterile powder-free synthetic Nitrile

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2 protection gloves.

3 Do you see that?

4 A. Yes.

5 Q. Okay.

6 So those are not examination gloves  
7 that are being shipped to you? They are  
8 protection gloves, correct?

9 A. Based on that paper.

10 Q. Okay.

11 And the invoice on the third page of  
12 the document is from Kitchen Winners to JNS  
13 Services Corp., and the description matches the  
14 numbers up in the packaging lists. The invoice  
15 itself just says Nitrile gloves with various  
16 sizes, correct?

17 A. Correct.

18 Q. And it references a specific container  
19 number, correct?

20 A. Correct.

21 Q. And this document that was sent to you by  
22 Mr. Lefkowitz, you didn't provide this document to  
23 Rock Fintek, correct?

24 A. No.

25 Q. Okay.

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2 MR. FRISCH: Objection.

3 Q. If then you look at page 4, it's a bill  
4 of lading, correct?

5 A. Correct.

6 Q. Do you know where a bill of lading in  
7 general terms is first prepared?

8 A. It depends who is shipping to whom.

9 Q. So whoever is shipping the product  
10 prepares the bill of lading, correct?

11 A. Usually.

12 Q. In the middle of the document, it says  
13 marks and numbers, MedCare.

14 Do you see that?

15 A. Yes.

16 Q. And No. of CONT or other PKGS, 3,000  
17 cartons.

18 Do you see that?

19 A. I see 3,000 cartons.

20 Q. I was just reading the heading of the  
21 column.

22 A. Okay.

23 Q. And next to 3,000 cartons, the  
24 description is non-sterile powder-free synthetic  
25 Nitrile protection gloves.

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2 Do you see that?

3 A. Yes.

4 Q. And below that is a container seal number  
5 again, correct?

6 A. Correct.

7 Q. Do you recall when you would bill Rock  
8 Fintek for the gloves that you sold to them, did you  
9 include container numbers as references in invoices  
10 to Rock Fintek?

11 A. It's possible, but I don't recall. I  
12 have to look at the invoices.

13 Q. We certainly will.

14 So if an invoice from you to Rock  
15 Fintek referenced container number KOCU4758119,  
16 which is the number appearing in this document,  
17 then it is true that the gloves shipped pursuant  
18 to that invoice came from that container, correct?

19 A. Most probably. Not definitely, no.

20 Q. Why not definitely? What would give you  
21 pause to --

22 A. It was not like a drop shipment, a  
23 container received and sent. It was rather received  
24 goods into a warehouse. And when it got too much,  
25 they start trying to keep track and put container

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2 numbers on certain shipments just to  
3 differentiate -- keep a difference which note come  
4 from what date or what company and who is the owner,  
5 and they attach labels to each load, where was the  
6 container number. This is one of the ways to keep  
7 track of that.

8           When I gave a direction to the  
9 warehouse to send, for example, 20,000 cartons of  
10 Nitrile gloves and they gave me a container  
11 number, it doesn't necessarily mean this comes  
12 from the shipment.

13           It's not a matter that this particular  
14 container was shipped to the customer at that  
15 time. It's just a matter that the lot that they  
16 shipped was labeled with this container number to  
17 keep track of this load.

18           As I said before, I always  
19 double-checked and double-directed that my  
20 customer need Nitrile examination gloves and  
21 nothing else.

22           **Q.       Okay.**

23           **I want to make sure I understand your**  
24 **testimony. So you are now testifying that --**

25           **MR. RAKHUNOV: Strike that.**

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2           Q.     What basis factually do you have for  
3     testifying that the warehouse staff incorrectly  
4     matched shipments to Rock Fintek to containers from  
5     which the product came from?

6                     MR. FRISCH:  Objection.

7           A.     From my perspective, it's not  
8     incorrectly.  They just used container numbers as  
9     labels to keep certain shipments separate from  
10    others.

11                    So when will a label is the same name  
12    as the container number, it's not tied that this  
13    product comes from this container.  As a matter of  
14    fact, the same container numbers are being used  
15    over and over again in industry; it's just  
16    different in dates.

17                    So when they labeled a certain load --  
18    let's say they have 50 pallets with a container  
19    number and a container doesn't even go into 50  
20    pallets, that these 50 pallets come from this  
21    container.

22                    Just a way that mean how to label  
23    certain shipments different from another shipment  
24    to keep track of what comes in and what goes out.

25           Q.     Okay.

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2           So if a container of gloves shows up to  
3   Avrio Logistics in, let's say, February 25th or  
4   around that time, as reflected in Stern 11, and  
5   the packing list shows container KOCU4758119  
6   having 3,000 cartons of protection gloves in  
7   various sizes and your invoice to Rock Fintek,  
8   within that time frame, you know, shortly after  
9   this date, references the same container number,  
10  those gloves came from the same container; isn't  
11  that right?

12           A.     Not necessarily.

13           MR. FRISCH: Note my objection to the  
14   question.

15           Q.     Again, what is your basis for that  
16  speculation?

17           MR. FRISCH: Objection.

18           A.     As I said, it was emptied out from the  
19  container and re-sort. Not re-sort. It was sort in  
20  the warehouse. And when it got too much, too many,  
21  they start putting labels on it.

22           So a label doesn't necessarily mean  
23  it's directly from this container number. Many  
24  times they put together three containers under one  
25  container number and vice versa. It's just a

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2 matter of keeping control of product.

3 Q. How do you know this? What's the basis  
4 for this testimony? How do you know that somebody  
5 at the warehouse, when things got too much, put  
6 boxes from one container and labeled them as boxes  
7 from another container?

8 A. Because at that time I was dealing with  
9 them on a daily basis. And sometimes the warehouse  
10 people ask me I have container loads of this and I  
11 have container loads of that. I would like to put  
12 it together under one label, is that okay?

13 And I said yes, why not. It's just a  
14 matter of keeping control and working efficient.

15 Q. It doesn't sound like control, but even  
16 under the scenario that you just described --

17 MR. FRISCH: Objection.

18 Q. Even under the scenario you just  
19 described, half of the gloves invoiced to Rock  
20 Fintek under the container number that we're looking  
21 at would have been protection gloves, correct?

22 MR. FRISCH: Objection.

23 A. No, not necessarily. Again, I called the  
24 warehouse each and every time to double-check and  
25 ask them over and over have you checked if this is



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2 examination gloves because I don't want to have  
3 problems with my customers.

4 So from my perspective, I have ordered  
5 the receipt and to send only send examination  
6 gloves.

7 **Q. So what did you do with the protection**  
8 **gloves that you were receiving from Mr. Lefkowitz?**

9 A. I don't recall receiving them. If I  
10 remember, I had refused to accept it or returned it  
11 or exchanged. We did something that I shouldn't get  
12 stuck with this protection gloves if there were any.  
13 I believe that not all of them were protection  
14 gloves.

15 The bottom line is I don't recall  
16 exactly all the facts. But one thing I know for  
17 sure from the first point, I have focused to  
18 receive and send only examination gloves. And if  
19 there were anything else, I made sure to get them  
20 out of my inventory.

21 **Q. Let's look back at exhibit Stern 11. You**  
22 **agree that this email is directed to you and your**  
23 **two partners, David Rubin and Jay Samry, correct?**

24 A. Correct.

25 **Q. And you agree with me that it**

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2 unambiguously states on the packing list non-sterile  
3 powder-free synthetic protection gloves?

4 A. Right.

5 Q. And there's an invoice and a bill of  
6 lading included, correct?

7 A. Correct.

8 Q. Did you respond to Mr. Lefkowitz saying  
9 that I am not paying for these gloves, this is not  
10 what I agreed to buy from you, take them back?

11 A. Not this exact wording, but of course I  
12 had responded.

13 Q. How would you have responded to  
14 Mr. Lefkowitz in this situation?

15 A. First question would be if this is  
16 something different than I got before. And again, I  
17 don't remember all the details. I'm sorry for that.  
18 But one thing that I remember is I double-checked  
19 and over checked again and again to make sure that  
20 the stock that I have or I held is examination  
21 gloves and what I sent out is examination gloves.  
22 Nothing else.

23 Q. I understand that's your testimony, but  
24 again, we're looking at a document here that shows  
25 something different.

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2                   So is it your testimony that every  
3   invoice that you sent to Rock Fintek that  
4   references a container number that shows you  
5   having received protection gloves is a mistake?  
6   Every single one?

7                   MR. FRISCH: Objection. Misstates his  
8   testimony.

9                   A.     I don't understand.

10                  MR. RAKHUNOV: I'm asking what his  
11   testimony is.

12                  A.     I don't understand the question. I'm  
13   sorry.

14                  Q.     Okay. We'll come back to that. We will  
15   slightly switch topics.

16                        When you were buying gloves from  
17   various sources -- well, from AMCM and from  
18   Mr. Weiner and Mr. Lefkowitz -- were you treating  
19   gloves as going into two separate kind of  
20   categories, one for JNS and one for you  
21   personally?

22                  A.     No.

23                  Q.     Okay.

24                  A.     Maybe I didn't get your question.

25                  Q.     That's fine. I'm going to show you a

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2 document right now so we can all be on the same  
3 page.

4 While it is loading, who is David  
5 Dembitzer, D-E-M-B-I-T-Z-E-R?

6 A. The owner of MD 3PL warehouse.

7 Q. And is MD 3PL different from Avrio  
8 Logistics?

9 A. Obviously, yes.

10 Q. I will tell you, I get a little confused  
11 with these logistics companies. Sometimes they're  
12 intertwined a little bit.

13 Were MD 3PL operating completely  
14 separate warehouses and logistics services from  
15 Avrio or was there some overlap?

16 A. They're completely different.

17 Q. Okay.

18 Were you using MD 3PL in connection  
19 with buying gloves and selling gloves to Rock  
20 Fintek?

21 A. At some point, yes.

22 Q. Okay.

23 (Whereupon, a Document was marked as  
24 Stern Exhibit 12 for identification, as of  
25 this date.)

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2           Q.       Stern 12 is an email dated May 5, 2021 --  
3 we're now a little bit into the spring -- from David  
4 Dembitzer at MP 3PL to you. The subject is please  
5 advise JNS or Joel Stern.

6                   Do you see that?

7           A.       Yes.

8           Q.       And David writes to you: Joel, please  
9 see attached DOs and advise if these are JNS or Joel  
10 Stern.

11                   Do you know what DO stands for?

12          A.       I believe for delivery order.

13          Q.       And then below that, there are three sets  
14 of letters and numbers referenced.

15                   Are those container numbers also?

16          A.       Seems like it, yes.

17          Q.       Okay.

18                   Do you understand what Mr. Dembitzer  
19 was asking when he was asking you to advise  
20 whether they were JNS or Joel Stern?

21          A.       Yes.

22          Q.       Okay.

23                   What do you understand?

24          A.       So, as we discussed before, I got the  
25 majority of the gloves through Kitchen Winners

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2 together with a group of the names that you have  
3 seen in the email, including Joel Lefkowitz, David  
4 Rubin, and Joel, or Jay Samry.

5 They were all handled under my business  
6 name of JNS Capital. Later on I got additional  
7 gloves through a company name AMCM, and I have  
8 managed the business also through my business of  
9 JNS Capital.

10 However, these gloves that I purchased  
11 from AMCM, I was alone without these partners. So  
12 I have to keep track. Because when I sold this  
13 load, I had partners. When I told that load, I  
14 had no partners.

15 In order to keep them separate, the  
16 warehouse labeled some of these lots JNS, which  
17 was referred as a group. And the ones labeled the  
18 Joel Stern's is referred that was coming AMCM and  
19 has to keep separate track of this inventory.

20 **Q. And those were private Joel Stern gloves**  
21 **that came from AMCM, correct?**

22 A. Absolutely not correct. This is held by  
23 JNS Capital. It's just labeled Joel Stern to  
24 difference that this is coming from AMCM and not  
25 related to the group with Joel Lefkowitz and David

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2 Rubin.

3 Q. Well, that's not what you said to

4 Mr. Dembitzer, though. Let's look at Stern 13.

5 (Whereupon, an email was marked as

6 Stern Exhibit 13 for identification, as of

7 this date.)

8 Q. So you wrote back at 4:50 p.m.: These

9 are Joel Stern private. And BTW, anything that

10 comes from AMCM is Joel Stern private. Thanks and

11 sorry for my late reply.

12 A. That's what I said. Joel Stern private

13 is referred to as JNS Capital. And I'm not afraid

14 to say it again, because there is no one transaction

15 between Joel Stern, not my gloves from AMCM and not

16 selling to anyone. Not even a single sale by Joel

17 Stern personal.

18 Joel Stern private means just the

19 different that this is not part of the group, as I

20 said before.

21 Q. And who was funding the Joel Stern

22 private glove purchases that you were making?

23 A. Again, it's not Joel Stern private. It's

24 just labeled Joel Stern private because this is

25 without partners. But still JNS Capital, and the

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2 same type investors was --

3 Q. Were they actually the same investors or  
4 did you have different investors for the private  
5 gloves?

6 A. Some were the same and some were  
7 different. Same idea. Raising capital, buying  
8 gloves, and trying to sell them.

9 Q. And any gloves that you referred to in  
10 this email as Joel Stern private, the revenues from  
11 those sales went to you only and to your investors  
12 for those gloves, correct?

13 A. When you say "you only," I want to  
14 specify. This means my company, not Joel Stern.  
15 There's not a single transaction to Joel Stern.

16 Q. Your company JNS --

17 A. Correct. Now you get it.

18 Q. That wasn't my question.

19 Your company JNS had no other members  
20 or managers other than you, correct?

21 A. Correct.

22 Q. And then my question is: So your  
23 company -- any funds that went into JNS from the  
24 transactions that you referred to here as Joel Stern  
25 private, nobody else shared in those proceeds,



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2 correct, other than investors?

3 A. Investors and some commissions to  
4 brokers.5 Q. So all gloves that you purchased from  
6 AMCM were, as you refer to in this email, Joel Stern  
7 private, correct?8 A. Labeled Joel Stern private for the  
9 purpose to difference them from the JNS group  
10 together with Joel Lefkowitz and -- and the same  
11 thing here. The gloves purchased from AMCM, this  
12 comes with an overhead of logistics, warehousing. I  
13 have to pay the investors, some investors and  
14 brokers. I have to pay the -- all the costs  
15 involved and brokers of the customers.16 At the end of the day, I lost a lot of  
17 money in this deal because most of the gloves were  
18 not sold on time and I have to sold them for a  
19 penny of the dollar just to get rid of them.20 Q. Do you have any accounting records that  
21 would demonstrate you having lost money as you just  
22 referenced?23 A. Not prepared accounting, but I do have  
24 some records.

25 Q. Well, whatever records you're referencing

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2 right now, I would ask that you provide to your  
3 attorney to be produced in this case.

4 A. Whatever the attorney says.

5 MR. FRISCH: Please follow up in  
6 writing and we'll respond.

7 MR. RAKHUNOV: Let's stop here and  
8 we'll start Monday at 9:30.

9 (Whereupon, the within examination was  
10 adjourned. Time Noted, 2:08 P.M.)

11

12 STATE OF NEW YORK)

13 ) SS.:

14 COUNTY OF )

15

16 I have read the foregoing record of my testimony  
17 taken at the time and place noted in the heading  
18 hereof and I do hereby acknowledge it to be a true  
19 and correct transcript of same.

20

21

22

\_\_\_\_\_  
JOEL STERN

23

24

25

Subscribed and sworn to before me

on this \_\_\_\_ day of \_\_\_\_\_, 2023

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NOTARY PUBLIC

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2

C E R T I F I C A T E

3

4

5

I, Melissa Leonetti, RPR, a Notary  
Public of the State of New York, do hereby certify:

6

7

That the testimony in the within proceeding was  
held before me at the aforesaid time and place.

8

9

10

11

12

13

That said witness was duly sworn before the  
commencement of the testimony, and that the  
testimony was taken stenographically by me, then  
transcribed under my supervision, and that the  
within transcript is a true record of the testimony  
of said witness.

14

15

16

17

18

I further certify that I am not related  
to any of the parties to this action by blood or  
marriage, that I am not interested directly or  
indirectly in the matter in controversy, nor am I in  
the employ of any of the counsel.

19

20

21


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25

IN WITNESS WHEREOF, I have hereunto  
signed this 22nd day of October, 2023.



Melissa Leonetti

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